Volume 36
Number 3

October 1952

Journal *of the* American Judicature Society

Administering the Courts in New Jersey

Willard G. Woelper

Justice Is Expensive

Emily Marx

Official Court Reporting With Electronic Recorder

Ray Hirst

Tinkering With the Judicial Machinery

Ira W. Jayne

AMERICAN JUDICATURE SOCIETY
Ann Arbor, Michigan

THE AMERICAN JUDICATURE SOCIETY

To Promote the Efficient Administration of Justice

Founded in 1913 by Herbert Lincoln Harley

Hutchins Hall

Ann Arbor, Michigan

THIS JOURNAL will be sent free on request to any person interested in the administration of justice. Extra copies and back numbers are available at prices indicated in the price list of publications in the June, 1950, issue. Published bi-monthly, in February, April, June, August, October and December. Permission is hereby given to quote from or reprint, with credit, any article or editorial originating in this or any other issue. The JOURNAL is a clearing-house of fact opinion with respect to all matters connected with the administration of justice in this country. Views and opinions in editorials and articles are not to be taken as official expressions of the Society's policy unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views expressed therein. Readers are invited to submit news of developments in the field of judicial administration in their respective localities, and articles for publication, which should preferably be not more than 3,000 words or ten pages of manuscript, double-spaced. Editorial offices: 424 Hutchins Hall, 621 S. State St., Ann Arbor, Mich.

JOURNAL OF THE AMERICAN JUDICATURE SOCIETY

Vol. 36, No. 3 GLENN R. WINTERS, Editor October, 1952

"This I Believe"

By GLENN R. WINTERS

WHEN I was a few weeks old, my mother took me to the yard of our Nebraska home to view Halley's Comet, so that later in life I could say that I had seen it. Years afterwards, a book *The Friendly Stars* introduced me again to the mystery and splendor of the universe. With its help I learned the names and positions of stars and constellations until Mother put a stop to my outdoor vigils on frosty winter nights.

I learned that if I live until 1986 I may see Halley's Comet again, but that the Great Comet of 1864 will not be back for 2,800,000 years. I learned about the rotation of the earth on its axis, the moon around the earth, the earth around the sun, and the sun's own 175-mile-per-second march through space, all with such precision that the exact instant when the shadow of one heavenly body will fall on another may be predicted with split-second accuracy for thousands of years in advance.

Throughout the experience of mankind, where there is order and system there is a mind and a purpose. Trees in the forest fall at random; where logs are gathered in piles the woodcutter has been at work. Grass and wild flowers grow at random; where they appear in neatly-trimmed beds and rows the gardener has been at work. Over an area four billion light-years across—as far as today's giant telescopes can penetrate—floats nightly to us the evidence that we live in a universe of law and order.

If the Mind that planned the universe ordained that it should be a universe of law and order, then it meant that justice, too, should prevail, for the absence of the one is inconsistent with the presence of the other. And if justice, then righteousness and goodness, which are but synonyms of justice.

That goodness, righteousness and justice do not at all times and in all instances prevail is due only to the fact that lesser minds and hearts have willed it so. They would indeed prevail if all human minds and hearts were in tune with the infinite mind and heart of the Creator. A hopeless ideal, you say. In the foreseeable future, yes. But the day when it will be so is hastened by every individual act of mercy, kindness or love, by every individual heart that says "yes" to God, and by all the institutions of human justice, which, haltingly and stumblingly but with measurable progress are putting that divine ingredient into men's relationships with each other.

That the Great Comet of 1864, when next it visits our corner of the cosmos, will, if it finds us at all, find us victor over many of the present self-inflicted ills

TABLE OF CONTENTS

of mankind is today only a matter of faith. But it is such a faith, along with a contribution toward its fulfillment, that makes the administration of justice a part of God's work on earth. And this, I am proud to say, I believe.

A LAWYER SHOULD NOT TELL LIES. Neither should a witness, a judge, a juror, a political candidate, a newspaper reporter, a salesman, a life insurance applicant, a taxpayer, a husband, nor a schoolboy.

We thought this had been settled ever since promulgation of the Ninth Commandment, if not since Eve's encounter with the serpent, but now we are told it is in dispute.

In last month's *Bar Bulletin* of the New York County Lawyers Association is a reference to an article in last December's *Stanford Law Review* in which the statement is made that "I do not see why we should not come out roundly and say that one of the functions of a lawyer is to lie for his client." The *Bar Bulletin* quotes at length from that article, more briefly from a New York lawyer in reply to it, and presents the whole as a "sizzling controversy" within the legal profession. At least one newspaper, the *New York World-Telegram,* has followed with a news item that "the question of whether a lawyer may lie for a client had legal circles in something of a dither today."

This we deny. The fact that one lawyer tells a lie, or says it is all right to do so, does not make a sizzling controversy among lawyers any more than one swallow makes a summer or one desertion means that the entire army is in a dither over whether to fight on or surrender.

Bar associations all over the land have embarked upon extensive public relations programs, a chief object of which is to convince the man in the street that it is safe for him to trust a lawyer. What is to become of all this if we now tell the public that we cannot decide among ourselves whether or not a lawyer's word ought to be trustworthy?

DR. LEMOYNE SNYDER, of Lansing, Michigan, addressed the 1952 annual meeting of the American Judicature Society in the Comstock Room of the Palace Hotel, San Francisco, California, on September 18. Dr. Snyder, who is both a practicing surgeon and a member of the Michigan bar, discussed the state medical examiner as a substitute for the coroner in investigation of suspicious deaths. He declared that the judicial process as applied by the coroner system is wholly unsuited to the task, and that such investigations should be removed to modern scientific laboratories with experts trained in scientific crime detection, as is now the practice in Maryland, Virginia, New York City, and several New England states. A paper by Dr. Snyder on this subject has been promised for an early issue of the JOURNAL.

Results of the annual election of officers and directors appear on the inside front cover of this issue of the JOURNAL.

IT'S A BOY! The editor pleads personal privilege for using this means to inform the many friends who were awaiting the news at the time of the San Francisco meeting that Glenn Ralph Winters, Junior, was born on September 29 and he and his mother are fine, thank you!

American Judicature Society Information Service

Before any bar association committee can dig into its job, usually it is necessary to compile and study a background of facts. The committee or organization which goes to work on a project without having done so is apt to find itself wasting its energies on doing what has already been done by somebody else, or committing costly and perhaps irretrievable mistakes. Few committees, however, have either time, money, manpower or experience for research in these specialized fields of interest.

Here is where the American Judicature Society may be of service. Our staff has a great many of the constantly-needed facts already at its finger tips available to be supplied on request, and superior facilities and know-how for securing others at minimum cost of time and money and with maximum assurance of completeness and reliability.

Take, for example, the matter of judicial salaries. Every year bar association committees are appointed to procure salary increases for judges. The first question facing such a committee is how high the salaries ought to be, and the next question is how much judges of similar rank are being paid in other states. Some committees have undertaken the arduous task of writing to someone in each of the forty-eight states for this information. They have run into many difficulties, however. The persons often do not answer the first letter, and when they do write they may give casual answers which are erroneous or misleading because they fail to include explanatory information necessary to make fair comparisons from state to state.

For years, however, the American Judicature Society has regularly compiled and maintained up-to-date judicial salary information from all states, and it has been used by bar committees in many instances. It has been published in the Journal, but the picture changes constantly and any published figures are out of date almost by the time the magazine reaches its readers. A request to the Society's office at any time, however, will bring the latest printed compilation to you with pen-and-ink corrections up to the very date of mailing. This service is invaluable not only in deciding what amount to ask for but in persuading the legislators to grant the increase.

American Judicature Society information service covers the entire range of judicial administration. What states have revised their civil or criminal procedure to conform to the pattern of the federal rules? What is the extent of the adoption of pre-trial procedure, judicial councils, the use of majority verdicts, or canons of ethics? How much are dues in other bar associations? How many states have judicial pension plans, and which of them is most adaptable to the needs of our state? What is the best pattern for a bar association constitution, a legal aid organization, a state court administrative office? Etc., etc., etc.

Occasionally instead of supplying the information ourselves we will pass along your request to someone else especially qualified to answer it. Now and then, of course, we are stumped by one the answer for which we don't know how to get, or which would involve research beyond the limits of our facilities, but we don't mind your asking anyway, and if we can't help you we'll tell you so.

This service, like the rest of the Society's services, is offered without charge to persons or groups interested in judicial administration and its improvement. Sometimes an inquiry can be answered only through special research involving a cash outlay. If your committee or organization does not have the funds to pay the cost of such research, you need not hesitate to ask on that account. However, if you can afford to pay the actual cost, it will help to extend our services that much farther.

The American Judicature Society is a nation-wide agency to promote the efficient administration of justice. It is supported by the membership dues of 11,000 lawyers and judges whose desire and intention is that its facilities be used wherever needed in the furtherance of projects to improve the administration of justice. How can we help you?

Administering the Courts in New Jersey

By WILLARD G. WOELPER

MORE than four years have now elapsed since the constitutional revision of the judicial system of the State of New Jersey became effective, and the actual experience during the period affords an opportunity to appraise realistically some of the practical success of the reorganization.

The new constitution replaced one more than 100 years old, under which had existed a complex system of some 17 classes of courts each separately administered and each completely independent, aside from ordinary appellate review on judicial determinations. Practice and procedure were governed in part by a variety of statutes relating to specific courts, in part by rules adopted by the various courts, and in some instances by rules adopted by different divisions of a court sitting in one of the twenty-one counties.

Today in New Jersey we have an integrated judicial system, consisting of seven courts. The supreme court has complete power under the constitution to make rules governing the administration of all courts, and the practice and procedure therein. In fulfillment of its powers, the court has promulgated a complete set of rules modernizing and simplifying the practice and procedures in the courts and making them uniform throughout the state, and has adopted a comprehensive set of rules governing the administration of all of the courts. For a period of approximately eight months prior to the effective date of the new judicial article, the justices-designate of the court had been engaged in the arduous task of preparing the rules. Recognizing the effectiveness of the use of cooperative methods and advisory groups used in drafting the Federal Civil and Criminal Rules of Procedure, suggestions were invited from each of the judges, lawyers, and interested citizens in the state, and from the state bar association and each of the county bar associations. Chief Justice Vanderbilt wrote to each of the chief justices in the other forty-seven states seeking their recommendations of the most successful features of their own practice. Working in close cooperation with the court, committees of draftsmen prepared a preliminary draft of the rules, which after extensive revision by the court itself was published as a tentative draft. Again the tentative draft invoked the invited criticisms and suggestions of the lawyers and judges throughout the state, and after further studies and revisions the rules were adopted in final form and promulgated. While time will not permit any detailed consideration of the rules, it may be noted that on the basis of an exhaustive national survey, New Jersey today ranks first in having established the minimum practical standards of judicial adminstration of the American Bar Association.

Administrative Head

Under the new constitution the chief justice is made the administrative head of all of the courts in the state, and is granted extensive authority to assign and reassign judges from court to court and from county to county as the status of judicial business may require. For the first time then, in the history of our state, every judicial officer and all personnel in the courts are accountable to a chief justice charged with the responsibility of administering the entire judicial system.

Before considering in more detail the methods of administration followed in our state, it will be helpful to refer briefly to what some of the practical achievements of our new courts have been in the disposition of judicial business.

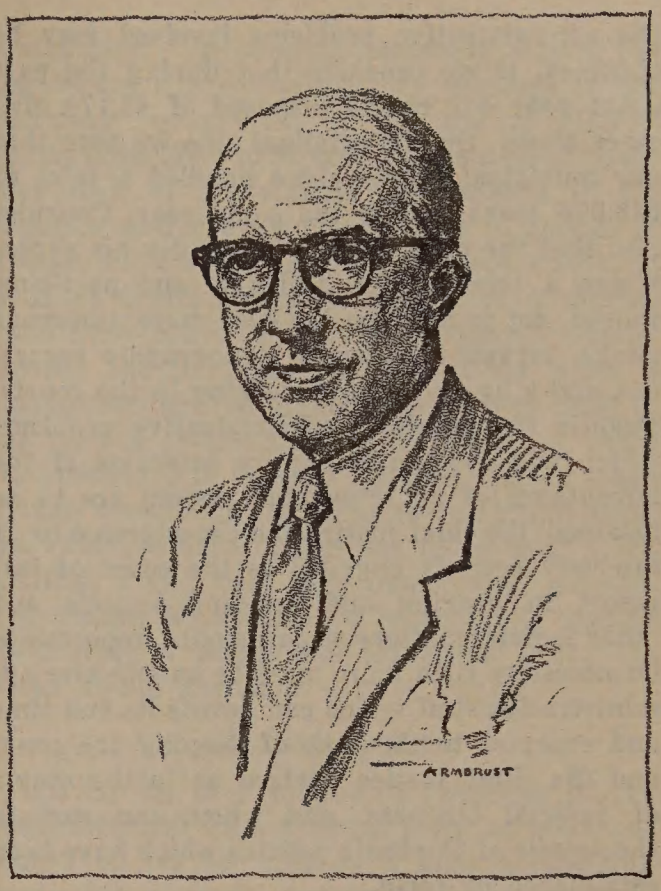
When our supreme court rose for the summer recess at the end of each of the four years, every appeal ready for argument had been heard and disposed of. The appellate division of the superior court (our intermediate court of appeal) did not quite equal this record, but is now completely current. These appellate courts during the past year in comparison with the appellate courts under our former system, decided 79% more appeals, and in an average of 79% fewer days, between date of argument and date of decision.

In the law division of the superior court and county courts (our courts of general trial jurisdiction) backlogs have been eliminated and the list of cases awaiting trial is now the most current that has existed during the past twenty years in our state. The current status of these cases is apparent when it is noted that 49% of all cases awaiting trial including those on the military list were started within the preceding five months, and only 7% were more than 14 months old. During the four year period these courts have disposed of an average of 12,550 cases per year, which is an average of 100% more than were disposed of by the comparable courts prior to the reorganization. In the district courts, 56% of the cases pending are less than 2 months old.

What are the principal factors responsible for this record? First it must be noted that it has not been caused by any decrease in the basic volume of litigation, since that has remained relatively constant. Second it has not been caused by the appointment of a greater number of judges, for on the contrary today in our supreme court and in the three divisions of our superior court we have only a total of 40 judges as compared with 62 judges in the comparable courts under the former system. In the county courts it should be noted that toward the end of the first year of operations 10 of the part-time judges were made full-time judges.

I believe that there can be no question but that the principal factors which have been responsible for the present current status of our calendars are (1) a simplified court structure which permits judges and lawyers to operate more effectively; (2) a simplified practice which has eliminated many needless technicalities and which establishes pretrial procedures designed to shorten and simplify trials and encourage settlements; and (3) a system of judicial administration designed to obtain the most effective use of the time and abilities of each judge where and when he is most needed.

Without attempting to burden you with a mass of figures and statistics on the details of the operations of each of our courts—which are set forth in full in the annual and quarterly reports prepared by the administrative director—I think I can fairly state that in general in New Jersey a litigant can today be assured of a prompt hearing in any of our courts and a prompt decision after the hearing.



WILLARD G. WOELPER was appointed Administrative Director of the Courts of New Jersey in September of 1948. He acted as Rules Secretary of the Supreme Court while it was in formation under the New Constitution and also on the many phases of the preparation of the preliminary drafts as well as the final draft of the Rules Governing the Courts of New Jersey.

Administrative Office Established

One of the features of the new judicial establishment in New Jersey is the Administrative Office of the Courts. It is the first comprehensive administrative office to be established in any of the state judicial systems, although partial advances have been made in that direction in a few states. The real need for such an office in a modern integrated judicial system is manifest. It has already been pointed out that the Supreme Court of New Jersey is vested with broad power to make rules governing administration and practice throughout the state and that the chief justice, as the administrative head of all of the courts is given extensive authority to assign and reassign judges from court to court and county to county. Such powers in the supreme court and chief justice can only be exercised effectively, if it is known to what extent the rules are operating efficiently and what the exact status of the judicial business is.

Some idea of the variety and magnitude of

the administrative problems involved may be obtained, if we consider that during the past court year our courts disposed of 43,179 civil cases alone. On the criminal side we note that our municipal courts alone handled a total of 648,976 cases during the same year. Consider also that the chief justice has under his supervision a total of 580 full-time and part-time judges, not to mention the even more numerous clerks, sergeants-at-arms, stenographic reporters, and a host of others working in the courts. Despite the manifold administrative problems which will constantly require attention if the advantages of an integrated system are to be attained, the chief justice and the supreme court are very actively engaged as the court of last resort in hearing and deciding appeals and other judicial matters of paramount importance. Of necessity then there must be an effective administrative staff which can devote its full time and energies to the task of keeping the court and the chief justice advised as to the status of judicial business, and which can execute the details of the basic policies which have been established by them.

The collection and analysis of statistical data on the work of the judges and the status of judicial business has been the major undertaking of the administrative office. We have concentrated rather largely on what may be termed operational statistics. The basic inquiries have been: (1) What has been done? (2) What is being done? (3) What remains to be done? Originally this approach was made necessary by the large arrearages which had developed on many court calendars, but it is always most essential to enable the chief justice to utilize the available judicial manpower at maximum efficiency, and make adequate plans for the future.

Weekly Reports

The statistics have been gathered from two principal sources: first, the judges themselves and second, the clerks of the courts. Under the General Rules of Administration, adopted by the supreme court, each judge is required to submit a report at the end of each week on all of the business he has transacted in court. This report is so designed that it shows the number of hours he presided on the bench, the names of the cases heard, the nature thereof and the outcome. Each judge also reports on any cases or motions submitted to him and remaining undecided.

The weekly reports have proved invaluable, not only for the factual data furnished for the information of the chief justice and the supreme court, but as a means of bringing to the attention of each judge the status of his own work, at the end of the week, and as a reminder to him to take action where counsel have failed to file briefs on any matters pending. Where there appears to be an unusual delay in deciding a case or motion the chief justice directs the administrative director to request the judge in question to report on the status of the matter. There can be no doubt that these reports have in large part been responsible for the truly remarkable record which our judges have achieved in promptly disposing of all matters submitted to them for decision. On August 31, 1952, for example, out of a total of 65 judges in the superior court and county courts 52 had decided all cases and motions which they had heard. Thirteen judges reported one or more matters pending heard and undecided, but here most of the matters had been heard within the preceding month, or a special report was submitted explaining why the decision had been deferred.

Weekly summaries on various phases of these weekly reports are prepared for the use of the chief justice and have not only been the means of keeping him currently advised as to the status of the work of each judge and, therefore, advised either as to his need of assistance or his availability for further assignments, but have also been the means of revealing any deficiencies in the methods of handling the calendars in the various courts. The summaries prepared of the hours spent by each judge on the bench during each court day have revealed that in a number of counties the methods of calendar control were such that much valuable trial time of some of our judges was being lost by last minute adjournments or settlements of cases. It showed that in many instances where the cases scheduled for trial could not be heard, no adequate means were available for substituting other ready cases. The supreme court appointed a committee to investigate the problem; as a result, improved procedures on the methods of handling the calendar were prescribed.

In addition to the weekly reports filed by the judges, the administrative office receives a

monthly report from the clerks of the courts showing the status of the trial calendars in each court. These reports indicate the number of cases pending at the beginning of the month, the number disposed of by trial or settlement during the month, the number of new cases added during the month, and the number awaiting trial at the end of the month. This last figure also contains a breakdown of the ages of the cases awaiting trial.

By these statistics we are enabled to advise the chief justice and the supreme court at all times of the current status of the judicial business in each court and in each county, and of the situation of each judge. Where the calendar of a particular court and judge is light, it is immediately apparent that he is available for assignment elsewhere. Similarly, where the trial calendars are becoming congested and judges are falling behind in their work, their need for assistance is immediately apparent.

While temporary assignments of judges can be made and are made on very short notice where an emergency arises, as a matter of practice most temporary assignments are usually made a month in advance, not only to better suit the convenience of the judges involved, but to enable the clerks to adjust calendars not only at the place where the judge is regularly assigned but at the place where his additional services are to be rendered. After reviewing the statistics of the previous month the chief justice indicates which judges he thinks could be spared from their regular assignments, and which courts are in need of help. The administrative director then communicates with each of the judges indicated to ascertain which week or weeks would best suit his convenience, and to ascertain whether the judge's absence from his regular post will create any problems. The chief justice thereupon signs an appropriate order.

The administrative office has also made a series of special statistical studies for the use of the supreme court, the governor, and the legislature. The supreme court, for example, has been particularly interested in the problem of improving the standards for admission to the bar. In this connection the administrative office made an exhaustive analysis of the records of the applicants to the bar examinations during the past ten years, giving particular emphasis to the educational backgrounds of the applicants and to the number of times each took the examinations. In another instance, where the legislature was considering an increase in the statutory jurisdiction of the county district courts from $500 to $1,000, a statistical analysis was made of the size of the verdicts in the superior and county courts over a period of five years, to determine to what extent such an increase would result in a shift of litigation from these courts to the county district courts. During the first year of operations when a statute was enacted fixing an arbitrary limit to the time a judge could grant stays on writs for possession in tenancy matters, a study made by the administrative office revealed that upon the effective date of the act more than 1,773 families would have been immediately evicted. Amendatory legislation was immediately enacted to provide a reasonable transition period to avoid undue hardship.

Clearing House

During the first months of operation of the administrative office a major phase of activities turned on its function as a kind of clearing house for a great variety of inquiries from judges, lawyers, officials and the general public with reference to the new system of courts and the new rules of practice and procedure. The administrative office has continued to serve as a channel through which any complaints or suggestions relating to the judicial establishment may be funneled.

Under the rules of the supreme court provision is made for a judicial conference of all the judges, the attorney general, county prosecutors, representatives of the legislature and approved law schools in the state, delegates from the state and county bar associations and a group of laymen. The conference is held "to consider the s t a t u s of judicial business in the various courts, to devise means for relieving congestion of dockets where this may be necessary, to consider improvements of procedure in the courts, and to exchange ideas with respect to the improvement of the administration of justice." The administrative director is designated as the secretary of the conference and in addition to furnishing statistical data for its consideration, has been responsible for the receipt and organization of proposals submitted, and has prepared the agenda and reports for the various meetings. The judicial conference has already established itself beyond question as one of the most important and effective agen-

cies in the rule-making process. It has been a continuing source of aid and assistance to the members of the supreme court, all of whom have agreed that their duties in making rules of procedure and practice for all of the courts in the state are among the most arduous imposed upon them under the constitution. Out of the discussions and recommendations for rule changes emanating from the judicial conference have come each year a series of amendments and new rules governing our practice.

As to the fiscal and business affairs of the courts, it will be noted that prior to September 15, 1948, state funds for the judicial system were appropriated and expended under more than five separate budgets, each of which was prepared and administered independently by a different official. Thus separate budgets and separate approval officers existed for (1) the Court of Chancery, (2) the clerk of the Court of Chancery, (3) the Supreme Court, (4) the clerk of the Supreme Court, and (5) the Court of Errors and Appeals. Under the new system the administrative office is charged with the responsibility of preparing and administering a single budget for all state moneys to be expended on the courts. As approval officer, the administrative director now prepares a single payroll in lieu of the five existing under the former system. He is responsible for determining what supplies and equipment shall be purchased for the courts, and is required to make the necessary arrangements for the accommodations of the courts, the judges and their staffs.

At the time of the reorganization of our courts in September of 1948, much time and study was devoted to revising the administrative work performed in the office of the clerk of the superior court. Flat filing was introduced, many improvements were made in the systems of docketing and indexing, and microfilming units were established to handle certain current phases of the clerk's work. A major project in microfilming was launched to photograph the files of cases completed during a period of about ten years. These files are being placed in dead storage and the films are being made available for the use of lawyers, searchers and others for a trial period of a year before the original records are destroyed, as permitted by statute. If the program is a success, as we have every reason to expect it will be, further plans will be undertaken to extend the project to relieve the heavily burdened vaults and to obtain much needed space. The possible economies which may be achieved by such a project over the years should prove enormous.

Promotes Public Relations

There can be no doubt that general public respect for law and order is based in large part on the just and efficient operation of our courts. Unfortunately, the public press does not ordinarily assign its reporters to "dig out" material for featured articles on the smooth and efficient operations of the judicial system or on the faithful and conscientious work of the many judges. All too frequently the reader of our daily newspapers finds the only mention of the judicial system in articles on the delays or technicalities of justice and occasionally in a sensational story involving the misconduct of an individual judge. The same pattern holds true in the motion pictures and other vehicles of public information or entertainment. The litigants who have had experience in the courts are likewise usually silent, except where they have lost a law suit and rationalize a proper defeat as a miscarriage of justice.

A judge cannot, consistent with judicial dignity and decorum, undertake to advance his own worth and merit in the public eye. The administrative office on the other hand is a suitable and proper vehicle to bring to the attention of the public some of the information which it should have in formulating a true picture of the judicial system. In New Jersey during the past four years this phase of public relations has been carefully observed in the administrative office. Press releases have been prepared on the new rules and amendments adopted by the court, so that the public might be made aware of the efforts being made to make the courts more efficient. Bulletins were issued from time to time on the work of the judicial conference and special committees appointed by the court to solve problems in the system.

Thus during the past four years the administrative office of the courts has had an important part in aiding the operations of a modern and highly integrated judicial system. By the performance of its assigned duties the office has lightened the ministerial burdens and responsibilities that are placed upon the chief justice and other members of the supreme court, and has enabled them to devote the greater portion of their time and energies to overall policy and purely judicial duties.

Justice Is Expensive

By EMILY MARX

HAVE we the courage to face the facts and voluntarily alter the high cost of justice? Or will we procrastinate, as Big Business and High Finance did, until the situation is no longer within our control? The people have entrusted the administration of justice to the lawyers in their community, to those practicing the law and those expounding it from the bench. Have we sufficient fortitude to admit that we are failing in that trust and sufficient professional pride and patriotism to remedy our defaults?

Two kinds of justice are administered in each state in the Union; in many states, there are three kinds. Like a mail-order house offering its customers good, better or best quality merchandise at low, middle or high prices respectively, the usual offering of justice in our state courts is on a graduated scale, depending on the size of the litigant's exchequer. But there is a fundamental difference between mail-order house and court offerings. Most state courts dispense only poor quality justice at the bottom of the scale; the cost of their better and best qualities of justice is far beyond the financial means of the majority of their citizens. Only the affluent upper crust can afford to patronize the courts in which the better and best justice are available; the average wage-earner must be content with the justice dispensed below. An indigent person, willing to take the pauper's oath, may reach the higher courts if his legal difficulties interest its judges. But the laborer and the white-collar worker can never taste the better or best justice that the courts of his state dispense.

Printing Comes High

That justice is thus graded in every state in the Union cannot honestly be disputed. With rare fortuitous exceptions, the best judicial talent sits in the highest and not in the lowest courts. To reach the highest court, with printing of records and payment of court stenographers' and attorneys' fees, costs well over $500 everywhere. Less than ten percent of our citizenry has $500 to spend for extra-living expenses. Latest estimates are that only ten percent of our populace has an income of more than $5,000 per year; the present average family income is $3,300. Therefore, we are administering justice for the affluent ten percent. What the balance of our citizens receives is a hit and miss affair. Their cases are usually heard by the least-learned and least-respected of our judiciary. An appeal to a higher tribunal is beyond their financial means. Ninety percent of our citizens cannot appeal unless they are paupers, have rich relatives, belong to a strong organization willing to sponsor their appeal, or are willing to risk money that should be used for the support of themselves and their families. Our best justice is not for them.

In theory higher courts, consisting of the best judicial talent available, are necessary for a proper administration of justice. Theoretically, uniformity of interpretation and application of legal principles is thereby achieved; errors normally committed by overworked trial judges are corrected; statutes are given their proper meaning, so that they may be applied equally to all citizens. In practice, no such Utopia results. The majority of cases reaching the higher courts are of no interest or benefit to any persons other than the immediate litigants; they involve neither unusual trial court errors nor novel legal principles. Their determination by the highest courts and the best judicial talent contributes nothing to the proper administration of justice for the state at large.

If only persons with large bankrolls encountered legal difficulties of interest to the citizens of the state and if the statutes in need of construction applied only to the affluent, there would be some excuse for a system which prevents the average litigant from presenting his legal problems to the higher courts. But the fact is that the poor, middle-class and rich have the same sort of legal problems; they differ only in the amount of money involved. In the main they are essentially individual problems. Mr. Jones objects to being examined before trial; so does Mr.

EMILY MARX is a member of the New York and New Hampshire bars, formerly editor of the Yale Law Journal, Ass't Attorney General of New York, and Justice of Domestic Relations Court of New York City.

Smith. Mr. Jones can pay for a higher court review of the questions he has been ordered to answer; Mr. Smith cannot. Mr. Jones gets the better or best justice of his state; Mr. Smith must be content with the poorer quality. Mr. Roberts thinks that the goods he ordered need not be paid for because they are defective; so does Mr. Brown. Mr. Roberts can pay for the best judicial talent and gets it; Mr. Brown cannot afford to appeal and must be content with the lower court decision. That is not the proper administration of justice in a democracy.

The higher courts cannot rely on the lawyers of the state to bring to them the decisions meriting correction. Lawyers whose clientele is among the wealthy always appeal, whether the litigation involves a technical point of law that should be authoritatively settled or only the monetary value of Mrs. Thompson's lost tooth. They use the lower courts merely for record making purposes. They are not particularly interested in the lower court's decision; they plan on and expect an appeal. Their style is cramped when they must represent a client for whom an appeal is too expensive. To them the decision of a lower court is merely the opening skirmish, the kickoff that determines only whether they or their opponents will initiate the appeal. They are never satisfied with less than the best justice obtainable in their state, i.e. the decision of the highest court. Lawyers whose clientele is among the average or lower than average income groups rarely appeal, and then only at a sacrifice of all or a major portion of their legal fees. They are equally indifferent to the quality of justice meted out below. Litigation becomes a game of chance to them. If they happen to strike a competent judge in the trial court, they thank their lucky stars but know that it cannot happen often and may never happen again. Their neophytic resentment of their inability to offer their clients the best quality of justice disappears after a few years at the bar. They may never be satisfied with less than the best quality of justice obtainable in their state, but they are powerless to obtain it.

The judges in the lower courts try to discourage appeals. Infrequency of appeal is to them irrefutable proof of the correctness of their decisions. With a sufficient display of the will-to-appeal, a lawyer may win his case below or find himself with such a voluminous record that printing costs become a matter of concern. Surely this is not the proper administration of justice.

Who is to blame for the poor quality of justice ordinarily dispensed in the lower courts? Not the trial judge. He usually gives to his task the best judicial talent he possesses. Perhaps if he were sitting in a higher court, flanked by fellow judges, he would be able to dispense better and best justice. The culprit is the system that assumes that trial court judicial robes will fit any competent lawyer or politician.

The trial judge's task is much more difficult than that of the appeal judge. He must reach his decision alone. He must listen to witnesses who irritate him, before he has learned control of his personal feelings and emotions. He must think and act quickly, without experience in rapidity. He must resist the Little Caesar within himself, without the aid of prodding competition. If he shows himself to be a master of these trial court requisites, his reward is elevation to the higher court where trial court talents are not needed. If he shows himself lacking in these trial court requisites, he remains in the trial court, free of effective criticism and control. Were he one of three, five or nine judges sitting together, he would sooner or later teach himself, be taught the missing judicial attributes, or resign. But he sits alone, a law unto himself, with only an occasional rebuff from the higher court. It is the system that takes a man untrained in judicial duties, puts him on the most difficult bench in the state and keeps him there without incentive to train himself, that is to blame for the poor quality of justice dispensed below.

School for Trial Judges

The obvious answer is a school for judges. And why not? We have schools for teachers, internships for prospective physicians, schools for potential diplomats. Everywhere except in the law we recognize that human beings must be trained to deal with other humans, that authoritative power and authority must not be entrusted to persons untaught in its use. The position of trial court judge is of such importance to so large a percentage of our

citizenry that education of prospective judges, before their appointment or election, is properly a community function. Who would teach the judges? Business men with a long record of amicable labor relations and appellate judges with trial-court-bench experience would make excellent teachers. And the trial court judges would teach themselves, if appeals were freed from the shackles of printing costs and available whenever warranted by the record.

The trial court is the most important forum of justice in the state. Appeals are for lawyers; the trial court is the layman's only contact with our judicial system. It behooves us, therefore, to dispense our best justice in the trial court, if we can. Placing trained trial judges into the lower courts is a step in the right direction. Dissociating the privilege of appeal from the financial status of the litigants is another.

A litigant able and willing to classify himself as a pauper may have his legal difficulties reviewed by the higher courts and the more learned judges of the state. The judges will read briefs typewritten by his attorney and review the facts from the typewritten papers filed in the court below. But a non-pauper must embark on an expensive printing expedition. There must be wide margins, good quality paper, readily-read type in the printed records and briefs and the appellant must pay the printer. For some of his outlays he may be reimbursed *if* he wins the appeal. He may win the appeal, however, and fail to recoup the major portion of his appeal expenses. If all the citizens of the state became paupers, the higher courts would review cases on typewritten records and briefs. It is possible, in other words, to dispense justice in the higher courts without extensive printing. Such a procedure would make better and best justice more accessible to the people on whose behalf our judicial system has been established.

But free access to the best justice the state has to offer requires a still more radical change, for appeals must be briefed and argued by lawyers and lawyers must be paid. Free access to our best justice requires that the state shall pay the cost of appeal and that the highest court shall request the records of the cases which need reviewing, without expense to the litigants. Why should not the cost of appeal be borne by the state? Or rather, why should such cost be borne by the litigants? It is not their fault that the trial judge erred or that only poor justice is dispensed below.

State to Pay Costs

Our second suggestion, therefore, is that the higher state courts review the records of the trials below (perhaps following the United States Supreme Court certiorari procedure minus its printing requirements); that appeals be heard on typewritten records and briefs; and that the cost of the appeal be borne by the state.

In our Utopia, in which the trial judge is trained for his specific task before being entitled to wear his judicial robes, the best quality justice that the state has to offer would be available to all, irrespective of the size of their pocketbooks. Appeals would not be taken because a poor quality of justice was meted out below, but in order to obtain uniformity of interpretation and application of legal principles, construction of statutes, and the correction of human errors (occasionally made even by the most skillful). Litigants would not be discouraged from taking appeals by the costs involved. It would be recognized that the proper administration of justice requires appellate courts to perform their function irrespective of the personal finances of the litigants immediately concerned. Legal principles and their correct application would be viewed abstractly, with the particular litigants and their attorneys as the conduits through which matters that should be ruled upon by the higher courts are brought to their attention. It would then be entirely proper for the community, as the ultimate beneficiary, to bear the expense of appeal.

In our Utopia, the trial judge who commits errors attributable to his lack of capacity and capability would soon become too expensive for the state to maintain and would be required to earn his livelihood at some other calling. Appellate judges would function as they do today, except that their energies would be directed away from the value of Mrs. Thompson's tooth and toward the clear enunciation of the legal principles by which the citizens of the state are to be governed. They would determine which controversies should be heard because they are of community interest and benefit, and which because poor justice was

meted out below. The position of trial judge would be a career for which one trained oneself by studying human relations as well as the law. Litigants would respect the trial judge not because of his title and authority, but because he earned that respect by his behavior in the courtroom and his judicial talents.

The perfect administration of justice we can never hope to achieve. But we can and must put our best judicial foot forward in the only court which our citizens ever see in action. If there are appellate courts, they must be open to every controversy meriting appellate consideration. No other branch of our government is approachable only by the paupers and the rich. Courts closed to litigants because the price of admission is too high, are an incongruity in our democracy.

Official Court Reporting With Electronic Recorder

By RAY HIRST

SHORTHAND and steno-machine reporters have become more and more interested in the use of sound recording for official court reporting. This is especially true in the federal courts, where the work load is heavy and where there has been action and legislation undertaken toward the use of electronic sound recorders.

The first patent for a magnetic recorder in the United States was by Valdemar Poulsen, No. 661,619, November 13, 1900. In 1903 the American Telegraphone Company, Inc., commenced the manufacture of the telegraphone, a wire recorder using steel wire at seven feet per second. It required the use of earphones, for it was twenty-five years later that the invention of the electronic amplifier was to take place. In 1937 the Soundmirror, using a one-minute continuous steel loop, was introduced. During World War II the General Electric Company manufactured a wire recorder for the armed services which had a playing time of one hour or one-half hour. Later there followed a number of commercial wire recorders, and in the meantime experiments went forward upon the use of a paper oxide coated tape in lieu of steel wire. These tape recorders have been adopted by the broadcast industry for the recording and reproduction of sound programs. There is also a line of disc type recording equipment on the market. Operators are expected to use close-hand microphones, and playback is intended to be by earphone, with the resultant sound only "intelligible."

In 1948 I tore up one of the latter machines and combined parts of it with parts of a wire recorder. I then purchased a power amplifier, speaker, microphone, cables and connectors, and set the microphone on the reporter's desk during a five-day trial of a water case. The equipment was turned on by a second person in another room and reels were changed every hour. Counsel found it amazing to be able to call after the day's work, listen to excerpts of the recording, and make notes. The timbre and clarity of each voice made it very clear who was talking, and there was never anything but complete satisfaction from the court, the counsel, the public and myself.

Transcription was done from notes and the recording, but the notes were of little assistance, because wherever the recording was poor the notes were also poor. Since that date, this reporter has been a confirmed believer in the accuracy and economy of sound recording. I wrote an article for the *National Shorthand Reporters Magazine*, feeling that others would be glad to get this information, but instead a heated controversy arose. One of the leaders of the opposition wrote that reporters using recorders were incompetent and that they used recorders as "crutches" to supplement their lack of ability. However, due to the fine efforts of W. W. Heironimus, official court reporter of the United States District Court in Newark, New Jersey, the N. S. R. A. has now authorized the use of recorders as an aid and supplement to shorthand reporting.

Two of the oldest certified shorthand laws on the books are those of Iowa and Colorado. They require the reporter applicant to transcribe by typewriter with ninety-five per cent accuracy ten minutes of any two of the following: testimony dictation at 200 words per minute, jury charge at 180 words per minute, or solid literary matter at 150 words per minute. These tests are very difficult, and often it is necessary to get special consent for use of uncertified reporters. Yet 200 words per minute is not nearly the limit of common speech. The reporter must approach 300 words per minute to be fully prepared for the fast witness. If a reporter by contest rules misses 5 or 10 words out of every 100 in a five-minute test with clear enunciation and without noise or interference, what, I ask you, would he miss in 5 hours of court work with a poor speaker going at 300 words per minute amid interfering noises, perhaps with a dialect to interpret on the run? What would he miss if the speaker were overlapped by an attorney? Reporting speed with two people speaking in cross examination may well reach 400 or 500 words per minute and often the overlapped portion is entirely missed.

This is the place for the oft-repeated comment that we put out an intelligent transcript that may not contain everything spoken but does contain every material fact spoken. May it simply be said that nowhere have I seen a statute giving any reporter license to delete, edit or fix up the verbatim record. It is the duty of every official reporter to place every spoken word within the typewritten transcript. Many years ago counsel would have been pleased to have had a summary, but the present demand is for a perfect verbatim record.

No system of education or study, and no system of shorthand or machine reporting can ever satisfy the speed requirements. We have committed ourselves to a task that is impossible with human means. The human reasons for this may be:

RAY HIRST is official court reporter of the circuit court of Eugene, Oregon. This article is condensed from a 22-page printed booklet of the same title published by Mr. Hirst in July, 1952, which includes many practical suggestions on selection, use and operation of sound recording equipment in court. Copies of this booklet may be secured on request direct from Mr. Hirst or from the American Judicature Society.

(1) Reporter has inadequate speed.

(2) Reporter has inadequate education or experience.

(3) Reporter has below normal hearing.

(4) Reporter feels tired or dull.

It has never been the practice of a reporter to stop proceedings in court. To do so would impress everyone with his lack of ability; and the interruption would disjoin the record. A cross examination, or an overriding objection—moments when the speed is too fast—is no time for such an interruption. The interjection of the court reporter at such times lends so much confusion that no one remembers where they are, the reporter is asked to read, and he is unable to or he wouldn't have asked what was said. As a matter of fact, a careful interruption of a witness and a request for repetition of words is never gratified.

Poor health or lack of energy seems to beset all of us at one time or another; and a periodic long week end makes work difficult for the court reporter who does heavy mental concentration.

There are seven other paramount causes of error and omission that militate against the reporter and over which he has no control, such as,

(1) Room has poor accoustics.

(2) The reporter is not within hearing distance of the speaker (generally from 4 to 6 feet for good audibility).

(3) A speaker enunciates poorly, or is excited.

(4) A speaker has foreign accent or uses foreign words.

(5) A speaker uses technical nomenclature.

(6) Noise or coughing interfered with the spoken word.

(7) Two or more speakers interjecting or overlapping.

These factors are not controllable by the reporter. The court can be helpful in some instances; but on the whole, each attorney and each witness will quickly return to his own habitual course of misconduct. With the lack of courtesy in our courts, I believe misconduct in the nature of overlapping and interrupting is the court reporter's most constant cause of error and omission.

To compare the accuracy of the professional shorthand or machine reporter with the accuracy of the high fidelity tape recording, we must first commence by examining the effect of

the reporter's four causes of error and omission on the recorder.

It is true that the reporter's education will now enter into the preparation of the transcript by typewriter. But, any error or omission must rest either upon the manner of typing and interpreting the recording, or upon the inadequate and unintelligible mumbling of the speaker. To make this more explicit, the court reporter trying to follow a speaker must "comprehend" the words spoken before he can select a word symbol to place upon his pad. However, the sound recorder records by vibration of air, and the vibration is recorded without any "comprehension" by the machine sound recorder. Therefore, the "comprehension" of the reporter takes place in the transcribing room when he listens to the recording and types what he hears. At his private office, he may make his decision of what has been said in a careful and calm manner, with the assistance of books or technical advice, and by repeating the recording as many times as he desires. No court reporter can take a moment to ponder what has been said in the trial of a case—a moment's hesitation, and he has fallen behind and dropped a phrase or become confused.

This is the primary reason why court reporters will not write along with a recording machine operated by an attorney. At the delivery of the transcript, the attorney may play and replay a recording, thus second-guessing the difficult parts until the court reporter's transcript can be impeached.

Causes of Error

Returning to our discussion let us consider the outside causes of error and omission. Acoustics of a hard-walled room are not as disturbing to the low impedance broadcast microphone as to the human ear. Inasmuch as closeness of the microphone reduces outside noise and interference, we always prefer to get the microphone within four to six feet of the speaker. This, of course, increases ease of hearing and ease of transcribing.

The next four causes of error and omission are remedied by the addition of more microphones. In the event of unusual coughing from one of the parties, it is possible to switch off that microphone when spells or attacks occur. In contrast, it is never possible for a court reporter to have one ear in one corner of a room and the other ear in another corner.

I have already mentioned that the speakers maintain their individual habits, and for this reason it is easy to adjust volume of microphones to pick up the low whispering witness, or to reduce the volume of the high screaming attorney. It is also practical to have this controlled by the well-known automatic volume control which does not require attention.

Perhaps the most satisfying of all uses of the sound recorder is the absolute ability to understand and transcribe what we term "dog-fights". These quick objections and interjections of counsel cause the reporter major difficulty.

It is easy to see that the use of two separate recorders, one for one counsel, and one for another counsel, would make it possible to transcribe both counsel if both counsel talked at the same time. Then, in order to orient the respective time relation of these two speeches, it is necessary to place these two separate recordings on one tape, one on the right half, and one on the left half. These tracks running side by side can either be played together, or played one at a time for clarity.

The present method of dictating shorthand and steno-machine notes to a soft-disc recorder, turning this record over to the transcribing stenographer, and then rereading the transcribed typing for errors is in itself the cause of errors. If this sounds redundant remember that the material is first written in shorthand by the reporter, it is dictated once by the reporter to a recorder, it is listened to and typed once by the operator or transcriber, and it is rechecked once by the reporter.

Obviously, the first writing by the reporter in shorthand is unnecessary, for he is again redictating it to the same spoken form it was received by him. In this process, he has introduced the eleven forms of error and omission I have described. The elimination of the reporter's work will mean a great increase in accuracy of the dictated record, and so in the transcript.

There are many bonus features which sound recording has to offer the court reporter.

A shorthand reporter is so busy making the record that it is difficult to make notations of questions he wants to ask the witness regarding his testimony. Recording leaves the reporter free to make notations of names and places mentioned in the testimony so that the

witness need not be interrupted but may be asked after leaving the stand.

Recording makes it possible to delegate the transcribing to competent legal stenographers who transcribe the work and present it to the reporter for checking against the original recording. This is an advantage to the attorney because it allows the reporter to reduce his work during busy periods and thereby reduce or obviate overtime rates. During low work periods, it allows the reporter to do his own transcribing and thereby keep his total income.

Advantages of Tape Recorder

Monitoring to make certain that the recorder is functioning properly is carried on with very little effort. The most satisfactory system used by us is the watching of a signal meter. The hand of this meter flits across the dial when a word is spoken. The needle therefore jumps in accordance with the dialogue, and is a direct indication of the recorded signal. This signal is not received from the recording head, but is received from a separate playback head a fraction of a second after the spoken word. In other words, we first make a tape recording, and then we immediately play back that recording. A switch enables us to listen to either the recording head, or the playback head. We monitor on the playback head because this is an absolute check either by earphones or by meter as to the volume and quality of our recording.

The reporter is free to make use of a time clock or numeral indicator to index witnesses, exhibits, and subjects. This makes possible an instantaneous location of any previous testimony. If the attorney during the trial notes the time of day when certain statements were made, inasmuch as the one hour reel of tape can be wound in forty seconds, they are easily and quickly located for playback after the trial.

Monitoring can be carried on during the trial by any of the court or counsel. An "endless" tape circle is used, which is continually circling through the recorder all day, always retaining the last thirty minutes of the recorded proceedings. A playback head may then be placed at intervals along the tape after this recording head. Push-button controls on respective tables of the courtroom would bring forth the signal from any one of these delayed playback heads. It would be desirable to have one head play back ten seconds behind the spoken words, one head play back twenty seconds behind the spoken words, one head one minute behind the spoken words, etc. It seems logical that the respective parties should be able to select whatever they wish to rehear by pushing the button with the time delay they believe has occurred since they heard those spoken words. This would be a great improvement over the present delay of court while the reporter searches for a statement, to say nothing of the incorrect reading by the reporter.

The playback of questions can be accomplished for the witness by turning up the volume of a loud speaker, in the same manner as you turn up your home radio. But, it is the province of the court and counsel as to whether this should be done. Since this would seem like mocking counsel, it is my opinion that counsel would prefer to listen to his question and repeat it—perhaps reframing and omitting misspoken difficulties he first had.

Bear in mind that all this playback of prior proceedings is accomplished without any work on the part of the reporter, and that the recorder never stops recording the repetitious playback. Every time that the question is repeated, it is again recorded and is not left out as when the reporter reads, or talks.

Oftentimes the separate counsel during the trial of a case wish to hear different points read back by the reporter. With the above arrangement, each counsel or court may listen at any time to any separate head, or to the same head, for any delayed playback of the testimony. Inasmuch as the replaying is not intended for the jury, this system would prevent the double-emphasis which is objectionable to reading testimony over to the jury. A further advantage of the tape recorder is the absolute verification of the typewritten transcript. All too often counsel is forced to rely upon a known inaccurate transcript because there is no further source of information than the self-serving reporter's notes. The actual "live" recording is an absolute and positive check of accuracy. If there should ever be statutory authorization for the reporter to "abstract" the record, then with the accurate, complete recording, he can perform a service to the court and counsel. But, before that time, any deletion is improper and unauthorized by statute.

The relationship between the counsel and court reporter is greatly improved by the use of the sound recorder. As we commenced the use of sound recording, counsel was individually

given a choice of a shorthand record, a sound recording, or both; and the choice without exception has been the sound recording. The members of the bar have privately indicated that they are impressed with the operation of the recorder and wish to assist in its use.

Tape recording allows very convenient splitting and segregation of work to several transcribing stenographers. Inasmuch as it takes about three people to transcribe an up-to-the-minute written record, it is necessary to segregate this spoken record to each of the three transcribers. The five-inch reel can be used at 15″ per second for a seven minute recording. On the contrary, the eight-inch reel can be used at 3¾″ per second on the right half, and the same speed on the left half, making 8 hours of continuous recording time.

It has been found that the use of recorder number one for a one-hour period, the use of recorder number two for a one-hour period, and the use of recorder number one again, etc., is a convenient and practical way to make a continuous recording. Eight hour continuous tapes are difficult to handle and transcribe, because it would be necessary to cut the tapes in small work loads for each stenographer.

There is no need for overtime work, because segregation of work allows a heavy load to be divided and sublet. Before recording, it was not possible to sublet without dictating, since notes could not be accurately transcribed by anyone other than the shorthand or machine writer.

The profession of court reporting is very beneficially affected by the use of sound recording. The impossible is made possible. Daily copy can now be produced with more reasonable rates, and regular transcripts can be produced without unusual overtime work. The process of writing shorthand and dictating shorthand being eliminated, the work load is almost reduced to one-half the former amount. The work is more interesting since the testimony is covered only once, instead of three times. Notes are difficult to transcribe when they are cold, or the memory has faded, but the recording is as fresh as the original trial. In the event of sickness, transcribers who have not heard the recording can take over and competently produced a transcript with perfect accuracy. Death of a court reporter sometimes leaves a party with no possible means of perfecting the record; however, sound recording can be transcribed by any competent person. Recordings can be duplicated at high speed, given to any counsel, mailed to any counsel, played over the telephone wires, or even played over the radio if desired.

I sincerely suggest that sound recording is economical to use, is convenient to use, produces the first perfect transcript, and will promote the efficiency of the administration of justice in court.

A.B.A. Endorses Judicial Primaries, Warns Against Unapproved Schools

Among the resolutions adopted by the House of Delegates of the American Bar Association at its recent San Francisco meeting were the following:

"Resolved, that the American Bar Association recommends that prior to judicial primaries and elections (and, where feasible, prior to judicial appointments) the bar association of any jurisdiction involved give consideration to the conduct of a poll of the lawyers of that jurisdiction designed to show their preference among the respective candidates, and that the results of any such poll be made public; and that, if and when such polls are taken, it shall be considered unethical to solicit votes."

"Resolved, that the American Bar Association approves the establishment by appropriate statutory or other procedure of the requirement that any person to be eligible for appointment as a justice of the Supreme Court of the United States, or as a judge of any court of the United States or of the District of Columbia, must have had an aggregate of at least ten years experience in the practice of law, not more than five years of which may be as a full-time teacher of law in an accredited law school or as a judge of a federal court or of a state court of general

original or of appellate jurisdiction, or a combination of said service as a judge or in the practice of law."

"Resolved, that the American Bar Association favors appointment to judicial office in the courts of the United States, both state and federal, only on the basis of greatest fitness of the prospective appointee to administer and dispense justice competently and fairly and without consideration of his religious beliefs and faith."

"Resolved, that the American Bar Association disapproves and opposes the enactment into law of legislation pending in the Congress of the United States designed to bring about the promulgation by the Supreme Court of the United States of a code of professional ethics applicable alone to lawyers practicing in the federal courts, for the reason that the existing canons of professional ethics of the American Bar Association have been and are applicable to all members of the bar of this country in all the courts, both state and federal."

No action was taken regarding a proposal that the United States constitution be amended to prohibit the justices of the Supreme Court of the United States from rendering any other than judicial services.

Canon 35 of the Canons of Judicial Ethics was revised to take cognizance of televising of courtroom proceedings as follows (new matter in italics):

"Canon 35. Improper publicizing of Court Proceedings. Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting *or televising* of court proceedings are calculated to detract from the essential dignity of the proceedings, *distract the witness in giving his testimony,* degrade the court, and create misconceptions with respect thereto in the mind of the public and should not be permitted.

"Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the court, of such portions of naturalization proceedings (other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization."

The House of Delegates reaffirmed the Association's stand for elevation of standards of legal education and admission to the bar by adoption of the following resolutions:

"Resolved, That the American Bar Association is opposed to movements which would relax or tend to relax standards for admission to the bar and which would do away with the bar examination, and that it reaffirms its endorsement of the established standards of the Association which specify, among other things, that all applicants should have the required periods of pre-legal education and law school study, and that they pass a bar examination; and

"Resolved, further, that the American Bar Association urges the local and state bar associations, and all agencies which have power to determine admission requirements for the bar, in those states that have not yet made the minimum requirements of this Association, that they establish these requirements in their respective states; that these several agencies in all of the states resist every movement aimed to relax the standards for admission to the bar or which would waive the bar examination."

"Be it Resolved, That this Association condemns the approval by the Veterans Administration and the accrediting agencies of the several states of correspondence law schools, correspondence law courses, and law schools which do not meet the standards of the American Bar Association, as a means of preparation for admission to the bar.

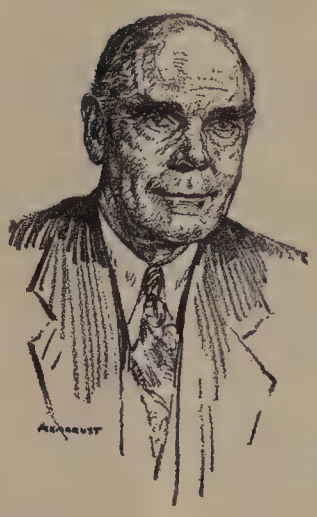
"This Association directs the attention of the Congress of the United States, state accrediting agencies and the Veterans Administration to the standards of legal education adopted by this Association, and the express disapproval by this Association of the study of law by correspondence and in law schools which do not meet the standards of the American Bar Association as a means of preparation for admission to the bar; and

"This Association directs the Council of the Section of Legal Education and Admission to the Bar to take steps, through publicity and cooperation with the Congress of the United States, the Veterans Administration, state bar association committees, state boards of bar examiners, and state courts of last resort, to discourage approval by any accrediting agencies of correspondence law schools, correspondence law courses, and courses in law schools not approved by the American Bar Association as a means of preparation for admission to the bar, and to bring the futility of such inadequate study to the attention of all veteran students presently so enrolled or who may contemplate such enrollment or study."

On recommendation of the Commission on Organized Crime the House of Delegates referred to the Committee on Scope and Correlation of Work determination as to whether the Association should sponsor the establishment of an Institute of Criminal Law Administration which should have continuing obligation to do research and to make surveys and studies designed to improve the enforcement and the administration of the criminal law.

Tinkering with the Judicial Machinery

By *IRA W. JAYNE*



WHEN two primeval men laid aside their clubs and agreed to submit their grievances to a third man, who by that gesture became the first judge, humanity took the first step from savagery to civilization. When, collectively, nations grow up to so settle their differences, we may then claim to be truly civilized.

The principal purpose of the judicial machine is to decide honestly, fairly and quickly the inevitable disputes which arise in our complex society. In the formative years of our two great civilizations which have grown up in America, the principal purpose was to establish the legal principles by which we should govern ourselves. This was a great accomplishment. And our law givers, lawyers and judges, building on the two foundation stones of the Roman law and the English common law, made possible the flexible parliamentary government, limited by judicial restraint and carried out by the executive under law. On this foundation we have built governments that preserve the individual's dignity and protect his independence.

Our first duty is to maintain it—to preserve our judicial structure with trial by jury, presumption of innocence, prevention of self incrimination, and legal representation.

But the law, as such, is now made. The formative period is over. However, yearly the courts of last resort of the 48 States and of the Federal Government, on our side, and the Provincial and Dominion courts on yours—some in two languages—keep grinding out printed decisions, mostly used to obfuscate the issues.

Of course as a little old trial judge, who is supposed to keep one eye peeled to the ideas of the appellate court lurking around the corner, my view may be jaundiced. The judges and lawyers of the common law courts have wound us in a snarl of words and procedures until the industrialist, the working man, the merchant, and even the common man have begun to look elsewhere for a quick determination of their disputes—to commissions, administrative agencies, arbitration proceedings. Anywhere, apparently, to get away from the courts.

The interminable time that we take in refining the rules of law, in an effort to be consistent and to follow precedent, have brought about this congestion. This is particularly true in the courts of metropolitan districts. It is so acute that the American Bar Association has appointed a special committee to devote its time to a study of this problem. It has spent $50,000 in a pilot study of the metropolitan court system of Detroit by the faculty of the University of Michigan Law School. Its results have been published in book form, entitled: "Survey of Metropolitan Courts: Detroit Area." I recommend it to you.

The incoming president of the American Bar Association, Mr. Robert G. Storey, has placed this problem of the congestion of the courts in metropolitan districts as No. 1 in the program for improvement in judicial administration. Delay breaches the armor of the judiciary. It invites attack on the courts generally. It weakens public confidence. The usual relief sought is to increase the number of judges, which not only adds to the expense, but to the confusion. Never a session of a legislature that a combination of laymen and disgruntled lawyers doesn't try to tinker with the machinery by changing the rules or restrictions on the judicial process.

But let's get back to first principles. The rule making power must lie in the court itself.

IRA W. JAYNE is presiding judge of the Wayne County Circuit Court, Detroit, Michigan, and chairman of the Section of Judicial Administration of the American Bar Association. This article contains the substance of his address before the Toronto Bar Association this month.

Ontario and Michigan are fortunate in that respect. Essentially the leadership in improving the machinery of practice is a job for the judge, who is just a lawyer who has been selected by some method or other to be the engineer.

Our formal judicial systems were inspired by the Roman plan. History tells us that the administration of justice in Rome was built about the two praetors. These judges, with their corps of triers, determined the law of each dispute and referred the issue of fact to members of the order of the judicia. There were no written pleadings. The litigants presented themselves before the praetor, or his trier, and their answers to questions disclosed the claims of the respective parties. The crux of the proceeding was according to a law of the 12 Tables that the hearing must begin before noon and end before sunset.

This ideal of speedy justice was kept alive through the middle ages and probably inspired the pie-powder courts which for several centuries afforded jurisdiction for the major commercial controversies in France and England.

It is of course unnecessary for me to translate to this bi-lingual group that "pie-powder court" means the court of the "dusty foot," a court held by the steward of each fair or market to decide the disputes of the day before the litigants shook the dust of the place from their feet.

The mass of litigation which has created this situation arises apparently from two sources: traffic congestion, and the problems growing out of disturbances of the domestic relation.

These two make up 80 per cent of the business in our Circuit Court in Wayne County. The first is the inevitable result of putting wheels under everyone and his property—wheels capable of traveling 50 to 100 miles an hour with no mechanical governors on narrow ribbons of streets among people living thousands to the acre. The other great source of litigation is the divorce business and the other problems arising out of intimate human relations. These two clog the machine.

To adjudicate the first—traffic accidents—under our present common law rules, if the police or either party insist, society must furnish a judge and a jury. This group, surrounded by the trappings of clerks, reporters, bailiffs, and other officers, at the expense of hundreds of dollars a day, must determine which of the participants in the action, if either, was criminally liable beyond a reasonable doubt, and how much if anything the offending party should pay the opposite party in damages by a preponderance of evidence.

Of course in a great proportion of the accidents, both parties were to blame, but neither was wilfully or criminally negligent. If every one of these accidents, criminal and civil, were litigated, trial by jury would be expanded to an absurdity. It almost is now.

On the criminal side, considerable progress has been made by the creation of traffic accident bureaus to accept fines for minor violations. The unsolved remaining problem is to educate the public not to try to bribe or seduce traffic officers and these lesser magistrates out of doing their sworn duty.

On the civil side, as some of you know who visited Detroit last year, we in Detroit have tried to relieve the congestion by the development of the pre-trial procedure to which, since you were in Detroit, we have now added the rule giving each side the right to all of the pertinent information in the possession of his opponent and his witnesses from the beginning so that he may have available this information in the preparation of the pleadings.

You, of course, have had the right to demand discovery from your opponent as a part of your practice for many years. However, if I am correctly informed, it has fallen into disuse because of an inability to get some practical results from it. Our plan makes the discovery rule a part of the pre-trial practice. By this means it is hoped that the pre-trial judge will include all of the undisputed results of the discovery in his pre-trial statement. Of course this will eliminate the element of surprise and the last remaining vestiges of trial by combat. But it will get for the judge and both parties as near as may be the actual facts and circumstances surrounding the incident. Having these facts, we seek to encourage quick and just settlement; and failing that, a trial limited to the actual issues remaining in dispute.

The other problem of the family relation, as we have come to the stage in our developing civilization of the emancipation of women, is really not an adversary action at all. We still cling to the ancient doctrine that one of the parties must be innocent and the other must

be solely guilty—which is a situation that does not exist this side of the Pearly Gates even in the Jayne family, though of course Mrs. Jayne would deny it.

The courts, or shall we say the lawyers and judges, have been more realistic than the law itself. Legal fictions have been accepted as facts. Definitions of condonation, recrimination and collusion have been revised. We recognize that in our present state of sophisticated civilization, situations arise where it is impractical, if not impossible, for two people of opposite sexes to live in the same room day in and day out, night in and night out, amicably. And we further recognize that if there are children, if they are forced to maintain this situation, the result on the children may be tragic indeed.

If the parties separate, the result to the children may be equally tragic. I will not burden you with statistics, but if I were to, they would show that 85 percent of the delinquent and neglected children which come before the courts because of their own condition, come from broken homes.

The same family may be brought before the Juvenile Court for neglecting the children. Either the father or the mother may be brought into the misdemeanor court for non-support and punished as misdemeanants for non-support or neglect. If their argument gets hot and results in a fight, either or both may be brought in the Recorder's Court as criminals and tried for a felony. If this results in separation of the family, they must come before the Circuit Court, Chancery division, to try out their divorce case. As a result of all this, if either or both need guardianship for compulsory treatment for alcoholism or mental disturbance, proceedings must be had in the Probate Court. And if one of them exceeds the speed limit in hustling to one of these court proceedings, he must be arrested and tried in the Traffic Court. If he gets behind in the payments on the furniture, he is sued by the furniture company in the Common Pleas Court. If they take his money so he can't pay his rent, the landlord proceeds to oust him through the agency of the Commissioner's Court. Eight courts. Unbelievable, if it weren't true, and somehow in most communities we make a go of it. That is how democracy works.

In Detroit we have created the office of the Friend of the Court—really an administrative agency, an arm of the court—to determine what is best: first, for the child; and second, for the husband and wife who no longer care to intimately share each other's society. After the Friend of the Court has furnished this information and his recommendation has gone to the judge, the judge does the best he can to plan a future for the children and to allocate the respective rights and responsibilities of the father and mother. It then becomes the duty of the Friend of the Court to coordinate the efforts of the multitude of agencies, both public and private, competing in their efforts for the welfare of the child, to be the court's representative *in loco parentis* until these children become self-supporting and self-sufficient.

This office in Detroit has grown to great proportions. There are 108 employes. They collect from fathers, mostly reluctant, approximately 10 million dollars a year and try to see that the same is expended wisely and honestly by the mothers, or those who have the physical care of the children.

We are now working on a streamlined court in Detroit which will abolish these special courts and commissions which have so confused the jurisdiction, frustrated the victims and weakened public confidence. This court could have specialist judges to give adequate direction to these problems which have come to be recognized as judicial problems.

As I said in the beginning, I believe that to plan and initiate such a program is primarily the responsibility of the court in which should be the rule making power. The leadership should be in the judge. The lawyer, with due regard for his professional obligation, owes his first duty to his client, and his next to himself and his family. He has to make a living. To many of you, undoubtedly, who have outgrown the tedium of trial work, court procedure does not seem such a pressing problem. One half of your clients may feel they gain by delay. However, you owe to your profession the obligation of knowing the problem and supporting the court in any intelligible effort to solve it. And I suppose here, as with us, every lawyer's aim is to be able either to retire to the bench or to his library for a leisurely and reflective old age. Help us lift the pressure of overcrowded dockets before you seek to supplant us.

Judicial Administration Legislative Summary

WITH brief special sessions recently adjourned in **Arizona** and **California,** no state legislatures are currently meeting. While the possibility of fall special sessions has been discussed in a few states, there is unlikely to be much further lawmaking activity in state capitals this year. Interim preparations for the big 1953 legislative year will be stepped up, however, in the period immediately ahead.

Studies are under way in **Wisconsin** to devise means of bringing county and special court judges under a **retirement plan** similar to that enacted for circuit and supreme jurisdiction of circuit court judges has been will be introduced in the 1953 legislature. The bar association committees are studying proposals for the **appointment of judicial candidates,** similar to the Missouri plan, and other suggestions in the field of judicial administration.

The committee on judicial selection, tenure and retirement of the **Bar Association of the State of Kansas** submitted to its members a proposal for the **selection** and **tenure** of justices of the Supreme Court and judges of the district court somewhat similar to the A. B. A. plan. The legislative committee has approved the plan for the consideration of the 1953 Kansas legislature.

Under terms of a bill filed with the clerk of the **Massachusetts** House of Representatives for consideration of the 1953 state legislative session **district attorneys and judges** would have to be **members of the state bar** to qualify for appointment or election to these offices.

Nebraska Attorney General C. S. Beck has indicated he may seek legislative action next year to force **judges** of the lower courts to **follow the law.** He asserted that county and municipal judges and justices of the peace do not follow the law in imposing fines and otherwise disposing of criminal cases. Since prosecutors cannot appeal criminal cases to a higher court there is no present way to correct improper lower court decisions.

Proposed legislation to transfer the consideration of **claims against the state** to the jurisdiction of circuit court judges has been favored by the **Bar Association of Arkansas.** Under the constitution no claims against the state can be entertained in court. The group approved a recommendation of its committee on claims against the state to make all circuit judges ex-officio claims commissioners. A bill to make the recommendation effective will be submitted to the 1953 legislature under the association's sponsorship. The proposed legislation would permit state department heads to settle all claims of less than $500 against the state, designate each circuit judge a state claims commissioner to "determine" all claims, require prosecuting attorneys to represent the state in all claims cases, limit the jurisdiction of the judge-commissioner and limit fees of attorneys prosecuting claims.

In Baltimore (Md.) **salary increases** amounting to $5,000 for the state's attorney and to $2,500 for each Supreme Bench and People's Court judge have been urged by Walter F. Perkins, who last year headed the city's salary revision committee. The salaries proposed for inclusion in the 1953 city budget are: Chief Judge, Supreme Bench, $18,000; each of the ten associate judges of the Supreme Bench, $17,500; state's attorney, $15,000; chief judge, People's Court, $11,500; and each of the three associate judges of the People's Court, $11,000. "Everyone will surely agree," Perkins declared, "that the independence and integrity of our judiciary is of the utmost importance. How can we expect to attain that objective, to attract and keep qualified men on the bench, if we do not pay them adequately?"

Salary increases for judges of **Wayne County (Mich.)** Circuit Court and the Common Pleas Court for the City of Detroit were recommended in a resolution adopted by the Board of Directors of the Detroit Bar Association and communicated to the Wayne County Board of Supervisors. A recommended increase of $2,500 in the salary of judges of the Circuit Court would raise their

annual pay from $18,500 to $21,000. The raise was suggested "in consideration of the duties and responsibilities of that court and the salaries received by judges of courts of general jurisdiction in other large cities." An increase of $1,500 for common pleas court judges would increase their annual salaries from $12,500 to $14,000. That boost was recommended "in consideration of the recent increase in jurisdiction of that court with the resulting increase in responsibilities and work load." Under a recent act of the legislature, the maximum jurisdiction of the Common Pleas Court was doubled from $1,500 to $3,000. A proportionate increase in the number and importance of cases is expected.

Radical changes in the judicial system of Michigan will be considered at the annual convention of the State Bar of Michigan October 30th. Subjects to be taken up include: retirement of judges when eligible under the tenure law, election of a chief justice of the state supreme court instead of rotating the present members, fixing the terms of circuit and supreme court judges at eight years and submitting a constitutional amendment to give Michigan a plan for the selection of judges similar to that used in Missouri. Also on the agenda are tentative plans for increasing the salaries of the supreme court justices from $18,500 to $25,000 a year and the circuit judges from $9,000 to not less than $20,000 and expanding the authority of the court administrator created at the last legislative session.

Retirement Law Change Recommended for Federal Judges

Recommendation that legislation be enacted to reduce the age for retirement of federal judges to 65 years and 15 years of service was made during the fifteenth annual Judicial Conference of the Third Circuit of the United States. The recommendation also provided that a president be permitted to name an additional judge to courts where a judge has reached retirement age without retiring, if the president finds the incumbent unable to discharge his duties. The report also asked full salary for judges who retire because of permanent disability, regardless of the length of their service. The present law allows retirement at 70 years and after 10 years' service.

Shortage of Judges Hampers Federal Courts

With untried cases jamming the dockets of many federal courts due to a lack of judges, Henry P. Chandler, Director of the Administrative Office of the U. S. Courts, cautioned in his annual report, released last month, that the situation is growing worse "year by year" and is causing some litigants to suffer injustice.

"The outstanding fact in relation to the federal judiciary system in 1952 is that the number of judges is insufficient for the business," Mr. Chandler declared.

In the last 10 years, he pointed out, civil case business (the most time-consuming at trials) has increased in the country's 86 district courts by 56 per cent, while only 13 per cent more federal judges have been added. The past year, the number of new civil cases filed in the district courts increased from 204 per judge to 236.

"Effective steps have been taken by the courts to improve their procedures and increase their capacity per judge to dispose of cases," Mr. Chandler said. "But the gap between the steadily increasing amount of business in the federal courts and the number of judges is too wide to be bridged in this way. More judges are imperatively needed." "The Judicial Conference of the United States at its annual meeting in 1951 recommended the creation of 3 additional circuit judgeships and 17 additional district judgeships."

"A bill providing for most of these judgeships and some others passed the Senate in the 82d Congress but failed of action in the House.

"The present inadequacy in the number of federal judges which is acute in a number of districts inevitably results in congestion and delay in the courts affected. This causes injustice to litigants, particularly to those of small means. No matter how good a cause of action a man may have, it is not acceptable as security for a loan. To realize on it he has either to obtain a judgment of a court or to settle with the other party. If the calendars of the court are so clogged that he cannot secure a trial for months or years, he is often driven to settle for what he can get, and to sacrifice his rights. This is a condition which governments neither federal nor state should allow to exist.

"States as well as the national government are wrestling at the present time with this problem. The two most populous cities in the country, New York and Chicago, recognize that the delays in the state courts in their communities amount to a denial of justice and are looking for ways to remedy it. If the federal judicial system is to serve the people of this country as it should, there must be legislation which will give to it a number of judges adequate for its work."

Bar Association Activities

The 1952 Awards of Merit

The Philadelphia Bar Association won the 1952 Award of Merit of the American Bar Association for the most "outstanding and constructive work" during the current year among large local bar associations in communities of 100,000 or more population. Honorable Mention Certificates were conferred upon Chicago Bar Association, Stark County (Ohio) Bar Association, Savanah (Georgia) Bar Association and Toledo (Ohio) Bar Association.

The State Bar of Texas received the Award of Merit in the class of large state bar associations. Honorable mention in this category went to Minnesota State Bar Association, an award winner for the third time in seven years, and to the Florida Bar.

Johnson County (Iowa) Bar Association was the award winner in the small local bar association class and honorable mention was given Bannock County Bar Association of Idaho.

Law For Laymen To Be Taught By Young Lawyers

A state-wide adult education program designed to teach lay persons "Law Everyone Should Know" has been organized by the Young Lawyers Section of the New York State Bar Association.

A detailed curriculum and outline covering eleven weeks has been prepared for use throughout the state, and most cities will have a series of two-hour lectures at a local school one evening a week. The courses are free and will be taught by young local attorneys, members of the Association, who are volunteering their time.

The curriculum calls for a series of practical lectures covering such down-to-earth subjects as contracts, wills, insurance, mortgages, stocks. As a background for the course, however, the first evening's lecture will be devoted to a general discussion of the courts, the constitution and bill of rights and a citizen's rights and obligations.

The state-wide program is the outgrowth of a series of adult education courses given last winter in Lynbrook, L. I. It has received enthusiastic support from the State Department of Education.

Six-Man Juries Proposed

The Charleston (W. Va.) Bar Association has prepared a plan which provides for six-man juries in trial of cases appealed from the justice of the peace courts to the common pleas court. Under the provision a litigant objecting to a six-man jury would be permitted to have the regular number of jurors. The proposal was made to save time in selection of juries and to save probably several thousand dollars annually in jury fees.

Ten-Point Program for Iowa State Bar Association

The Section of Judicial Administration of the Iowa State Bar Association has recommended a ten point program for the following year. The recommendations are as follows 1. Use of alternate jurors in criminal cases; 2. Waiver of jury trial in criminal cases; 3. More complete judicial statistics; 4. Wider use of pretrial hearings; 5. Extension of time for preparing jury lists by appointive jury commissions; 6. Increase in pay for petit jurors; 7 Allowance of daily mileage to petit jurors; 8. Use of a jury handbook; 9. Prohibition of smoking in the courtroom, whether the judge is present or not; and, 10. An increase in the salary of judges.

Proposed Grievance Amendments Pass Four-to-One in Texas

Proposed changes in the State Bar of Texas rules governing grievance procedure were adopted by Texas lawyers in a four-to-one majority vote. A supreme court order officially adopted the voted amendment. Some of the changes were provision for the appointment of three grievance committees in each congressional district, as compared to one provided for in the old rules, and extension from two to five years of the period during which a disbarred attorney can be prohibited from applying for reinstatement.

Small Loan Law Urged To Thwart Texas Loan Sharks

The State Bar of Texas has declared itself in favor of the earliest possible enactment by the Texas legislature of a small loan statute to give opposition to loan sharks. The bar has requested legislation designed to license only those lenders who can be expected to comply with the law, to punish violators by criminal as well as civil penalties, to create supervision with the power to investigate the practices of lenders, to fix maximum charges for loans that will be fair to borrower as well as lender, and which will be impervious to evasion and subterfuge.

Radio Stations Get Programs

A series of radio programs entitled "Your Legal Handbook" has been recorded through cooperation of the University of Minnesota Radio Station KUOM with the Minnesota State Bar Association. Now on tape, recordings of the programs have been made available, free of charge, to small radio stations throughout the state. A total of twenty-one stations have already requested the series, which consists of twelve programs of fifteen minutes duration.

Unification Proposed For Milwaukee Courts

The Milwaukee Bar Association has under consideration the unification of all courts of Milwaukee as a solution to the delay and the overcrowding of their court calendars. Consolidation of all courts, circuit, civil, municipal, district and possibly county, to make one big court with many branches and a chief judge to make assignments, like the plan now in effect in New Jersey, was the proposal being studied. County-wide rather than state-wide unification was considered because of the greater likelihood of the passage of such legislation.

New Program Outlined

Increased public understanding of the legal profession will be sought in New Jersey through a comprehensive public relations program. The new program stems from discussions at the State Bar annual meeting, during which the lawyers agreed that the public knows too little of the public service undertakings sponsored by the bar. The main feature will be a continuing series of press releases, supplemented by radio-television programs and a speakers' bureau.

PUBLICATIONS FOR SALE AND DISTRIBUTION

Organization of Courts

Modern Unified Court Organization, by Roscoe Pound. From J. Am. Jud. Soc., 23:225-233 (1940).

Roscoe Pound, Organization of Courts (1940), 322 pp. $5. Order from National Conference of Judicial Councils. 744 Broad St., Newark 2, N. J.

Model Judiciary Article and Commentary, by Herbert Harley. From J. Am. Jud. Soc., 26:51-60 (1942).

State Court Systems (Revised) (Sept., 1951). Booklet, 48 pp. mimeographed, $1.00. Order from The Council of State Governments, 1313 E. 60th St., Chicago 37, Ill.

The Ohio Judicial System and the Administration of Justice with a Plan for Complete Reorganization. Booklet, 62 pp., 1951.

Minnesota Plans Thoroughly Modern Court System, with Text of Proposed Minnesota Judiciary Article. From J. Am. Jud. Soc., 26:133-137 (1943).

Unification of the Judiciary—the Nation's Greatest Need (with draft of model act pertaining to organization and structure of courts). From J. Am. Jud. Soc., 11:99-116 (1927). 10 cents.

Proposed Plan for Organization of the Judiciary of Arkansas, with Diagram. From J. Am. Jud. Soc., 30:15-21 (1946).

Minnesota's Proposed Judiciary Article. From J. Am. Jud. Soc., 26:49-50. (1942).

Model Act to Establish a Court for a Metropolitan District. American Judicature Society Bulletin IV-B, 32 pp. (1920).

Judicial Article of New Jersey Constitution of 1947, including description, text and diagram. From J. Am. Jud. Soc., 31:138-144 (1948).

A Study of Justices of the Peace and Other Minor Courts—Requisites for an Adequate State-Wide Minor Court System, by Edson R. Sunderland. 15th Annual Report, Judicial Council of Michigan. (1945).

George Warren, Traffic Courts (1942), 280 pp. $4. Order from National Conference of Judicial Councils, 744 Broad St., Newark 2, N. J.

Tentative Draft of an Act to Establish County Courts of Record to Supersede Justices of the Peace and Certain Other Inferior Courts, by Edson R. Sunderland. 16th Annual Report, Judicial Council of Michigan. (1946).

Maxine Boord Virtue, Survey of Metropolitan Courts Detroit Area (1950), 315 pp. $5. Order from University of Michigan Law School, Ann Arbor, Mich.

Order from
American Judicature Society
424 Hutchins Hall
Ann Arbor, Michigan

The Ohio State Bar Association has started upon a vigorous campaign to present to the people of Ohio the issues of the question whether or not there should be a constitutional convention. It is believed that a fair and impartial presentation of both sides of the question will constitute a public service lawyers are particularly well able to give.

The Bar Association of Tennessee published in September its volume one, number one, issue of the "Tennessee Lawyer," a four page, 8½ by 11, bulletin designed to appear "at least quarterly" and to be mailed to the membership of the state bar.

The State Bar of Michigan's Junior Bar has recommended a three-fold change in the statute pertaining to persons eligible to take the Michigan Bar examinations. It has asked that the number of bar examinations be increased, that each applicant prove by affidavit that it is his intention to practice law in the State of Michigan and that the applicant have been a resident of the state for at least six months. These changes were sought in order to expedite the publication of examination results.

Bar Association Calendar

October

7- 8—Vermont Bar Association, Montpelier
8-11—Judges, Marshals and Constables Association of California, Monterey
9-11—Colorado State Bar Association, Colorado Springs
22—Rhode Island Bar Association, Providence
24—North Carolina State Bar, Raleigh
24-25—New Mexico State Bar, Raton
29-31—State Bar of Michigan, Grand Rapids

November

6- 7—Illinois State Bar Association, Chicago. Mid-year Meeting
13-14—Nebraska State Bar Association, Omaha
17-19—National Conference on Government, National Municipal League, San Antonio, Tex.

December

3- 6—Oklahoma Bar Association, Tulsa
5- 6—Conference of Local Bar Associations of Louisiana, Bogalusa
12-13—New Jersey State Bar Association, Newark. Mid-year Meeting

January

28-31—New York State Bar Association, New York

The Reader's Viewpoint

Canons of Ethics Rearranged

Your opening editorial "Read the Canons of Ethics" is not only timely but extremely well written. As you may know, the Section on Legal Education and Admission to the Bar of the American Bar Association has recommended that the American Bar Association review, restudy and rearrange the canons of legal ethics. It was the hope of this group in making this recommendation that this endeavor would do what your editorial suggests must be done.

I thought you might be interested in a rearrangement of the canons which I made several years ago in connection with my course on legal ethics at Western Reserve University, and which I used last year at Buffalo and am going to use this year at the University of Washington. The rearrangement follows:

I. Obligations to the Court and to Other Attorneys.
   A. Court. 1, 2, 3, 4, 5, 21, 22, 23, 29, 41 and 45
   B. Other attorneys. 7, 17, 22, 24 and 25.
II. Obligations to Clients.
   A. Advice to client. Canons 8 and 32.
   B. Commencement and termination of employment. 6, 7, 30, 31 and 44.
   C. Representation of client. 11, 15, 16, 19, 21, 37 and 38.
III. Obligations to Others Than Clients.
   A. Other parties. 9, 18, 30 and 39.
   B. Witnesses. 39.
IV. Obligation to the Public in General.

A. Partnerships. 33 and 36.
B. Retirement from public office. 36.
C. Lobbying. 26.
D. Lay intermediaries. 35 and 47 (also possibly 26).

V. Advertising and Solicitation of Employment. 20, 26, 27, 28, 33, 35, 36, 40, 43, 46 and 47.

VI. Fees and Charges. 10, 11, 12, 13, 14, 34, 38 and 42.

GEORGE NEFF STEVENS

School of Law
University of Washington
Seattle 5, Washington

Washington Reader Fears Role of "Family Court of the Future"

The article entitled "The Family Court of the Future" by Paul W. Alexander raises many interesting questions which receive attention from bar associations and social welfare groups annually.

We may observe, from our western vantage point, that the eastern states from which Judge Alexander takes his horrible examples would do well to revise their hopeless muddle of multifarious courts in the interest of streamlining all judicial business and many problems in the domestic field would be solved automatically.

In Washington we have one trial court of general jurisdiction, the Superior Court, and the juvenile and family courts are departments of the Superior Court. In King County one judge is assigned to these departments by vote of his colleagues, and the assignment is not rotated. The juvenile court is housed in a brand new Youth Service Center, containing a dignified, attractive court room, detention quarters, a clerk's office (Deputy Clerk of Superior Court), office facilities for a well trained professional staff and surrounded by spacious grounds.

Prior to the passage of the Family Court Act, the juvenile court judge heard not only cases arising under the Juvenile Court Act, but also all petitions to show cause arising in connection with divorce proceedings. This judge now hears all cases involving dependent or delinquent children (Juvenile Court), all cases in the Family Court and all adoptions. Show cause matters have been transferred to the regular motion calendar because of the impossibly heavy load on the juvenile department.

Criminal complaints for nonsupport receive preliminary hearing before a justice of the peace.

Thus it is possible for a family to be before juvenile court on a dependency petition while a divorce is pending in another department of the Superior Court, the justice of the peace is entertaining a complaint for nonsupport and the family court is seeking to effect a reconciliation.

In the opinion of the writer, the conflict between Superior Court on the divorce and Justice Court on the criminal charge of nonsupport is more apparent than real, since the civil liability to pay a reasonable sum for support, enforceable by contempt, will often exceed the minimum payments required to avoid criminal sanctions.

Conflict between different departments of the Superior Court might be resolved by court rule requiring disclosure of other preceedings before hearing divorces on default.

What concerns us most about Judge Alexander's article is that it seems to advocate turning the court into a social service agency with power to impose its will on the parties before it.

The social services of the juvenile court are appropriate because through this agency the state performs its duties *in loco parentis* to dependent or delinquent children.

The state does not stand *in loco parentis* to adults or children who are not dependent or delinquent.

Courts exist to enforce legal, not moral, rights and obligations. On page 45 Judge Alexander says that the plan under study by the Interprofessional Commission would make the criterion for divorce "what is best for this family".

We suggest that since the action of courts is embodied in enforceable judicial decrees, the court has no right to determine or command what it deems "best". No person should be required to live up to another's idea of what is best. He should only be required not to fall below the minimum standard of behavior embodied in the common law or the statutes of the community in which he lives.

It is highly desirable that the community provide through private or public sources social services to help families adjust themselves to each other in the community. But the use of these services should be voluntary.

A law requiring a court to decree and enforce "what is best" might well deprive a person of liberty without due process of law.

When courts, however well intentioned, command what is best rather than restrain conduct falling below the minimum tolerated by the community, individual liberty is unduly infringed and the state assumes an ascendency over the lives of individuals not heretofore favored in Anglo-American jurisprudence.

MARY ELLEN KRUG

657-671 Colman Building
Seattle 4, Washington

Author Reassures

I am very grateful to Miss Krug for bringing me up to date on the situation in King County, Washington. I had not been in Seattle since 1948 when my incomparable colleague, Hon. William G. Long, of the Domestic Relations Court, told me something of his hopes and fears for the new Family Court (along with a vivid description of the idiosyncrasies of his famous fur-bearing catfish).

This manuscript for "The Family Court of the Future" was prepared in the fore part of 1951 and I did not then think I had sufficient information about the Seattle situation to comment upon it. In a more recent article I did pay my respects, albeit too briefly, to the Family Court of Washington and commented that it had the enthusiastic support of Judge Long. (Alexander, "What is a Family Court, Anyway?" XVI Conn. Bar Journal 3, Sept. 1952, at page 276.)

I am exceedingly sorry if I phrased the idea of adapting juvenile court philosophy to all justiciable family problems in such a manner as to cause anyone concern. Of course all lawyers owe it to their profession to scrutinize such new proposals; and because, through no fault of their own, almost all lawyers are almost wholly uninformed as to the *modis operandi* of the juvenile court and its effectiveness, we juvenile court judges recognize our duty to inform them and must accept the blame if they are not well-informed.

Perhaps, after all, my innocent suggestion may not be cause for too great alarm. At least one lawyer whom I have taken the liberty to quote in: "Let's Get the Embattled Spouses Out of the Trenches" (scheduled to appear in Law and Contemporary Problems, Winter Issue, 1952-3) has said:

"Already there is a movement to substitute healing procedures devised to save households, for the combative proceedings operating to make disruption permanent; and this movement is the result of experience gained in the juvenile courts and wisely directed activities of judges of juvenile courts. Not only in what it has done in its own sphere but in indicating to us a larger sphere in which there is much to be done and in showing us somthing of the way to do it, the juvenile court has made lasting contributions to the administration of justice."

This lawyer I believe to have profounder understanding of the juvenile court movement than any legal scholar I can think of at the moment. He was for years president of the National Probation and Parole Association and is now chairman of the Board. He wrote the above in "Juvenile Court Judges Journal," Vol. III, No. 1, Page 18, and his name is Roscoe Pound.

PAUL W. ALEXANDER
Court of Common Pleas
Division of Domestic Relations and Juvenile Court
Toledo 2, Ohio

The Literature of Judicial Administration

BOOKS

On the Journal's review shelf this month are a number of recently-published books which should be of interest to students of judicial administration. Of a half dozen involving one aspect or another of the criminal law, we may as well mention first *Hebrew Criminal Law and Procedure*[1] by Rabbi Hyman E. Goldin. This interesting exposition of the highly complex system of jurisprudence developed by the Jews both before and after the beginning of the Christian era should be of interest to students of both law and religion. Especially important is its detailed treatment of the Great Sanhedrin, one of the leading judicial bodies of all time. *Fair Trial*[2] by Richard B. Morris is a collection of stories of notable American criminal trials from colonial times up to Alger Hiss, told in non-legal language, but with opportunity to observe the courtroom work of some of America's greatest criminal lawyers. New volumes of the Notable British Trials series recently

1. New York: Twayne Publishers, Inc., 1952. Cloth, pp. 308. $4.75. Obtainable from Bookman Associates, 42 Broadway, New York 4, N. Y.

2. New York: Alfred A. Knopf, 1952. Cloth, pp. xv and 494. $5.00.

received include *Trial of the Stauntons*[3] edited by J. B. Atlay, *The "Veronica" Trial*[4] edited by G. W. Keeton and John Cameron, *Trial of the Seddons*[5] edited by Filson Young, *Trial of William Palmer*[6] edited by Eric R. Watson, and *Trial of Alfred Arthur Rouse*[7] edited by Helena Normanton. We also have Volume 9 of the War Crimes Trials series, *The Dulag Luft Trial*,[8] edited by Eric Cuddon. These all follow the pattern of previous volumes of the series in giving a complete case history including background, opening and closing statements, and transcripts of testimony. Finally, those of our readers who are interested in mystery fiction with a legal angle will enjoy *The Corpse Died Twice*[9] by Barbara Frost.

Three recent volumes have to do with human rights. *State's Laws on Race and Color*,[10] compiled by Pauli Murray, is a publication made possible by a Marshall Field Foundation grant to the American Civil Liberties Union and the National Association of Intergroup Relations Officials. Complete, scholarly and reliable, it will be essential to any future research or projects in this field. The first two of a series of three paper-bound booklets entitled *Documents on Fundamental Human Rights*[11] by Zechariah Chafee, Jr., are out. They are a preliminary lithographed publication of materials which ultimately will comprise a textbook on that subject, in which the great human rights are traced back through historic documents to their early beginnings and their present growth and development is shown.

We have mentioned before the Virginia Law Weekly's column *DICTA* wherein leading authorities in a particular branch of the law discuss various phases of it from week to week throughout the school year. The first series, in 1948-49, was on criminal justice.[12] In 1949-1950 it took up divorce and domestic relations,[13] in 1950-1951 labor law,[14] and last year, legal aid. The bound volumes of the first three, which are before us, are important contributions to their respective branches of legal literature, and should be in the possession of those interested in those fields. No doubt a fourth volume containing the series on legal aid will appear in the near future.

Bar associations interested in putting on television shows, and they are on the increase, will want to have *Television Writing — Theory and Technique*,[15] by Robert S. Greene. We do not suggest that after one reading of the book, any lawyer can produce a television show single-handed, but it certainly is all in the book, and even if somebody else does the job, a reading of this book will help the bar committee to understand and cooperate better.

ARTICLES

"The United States Court of Military Appeals: A Long Overdue Addition to the Judiciary," by Daniel Walker. A.B.A. Journal, July, 1952, pp. 567-570.

"A Practical Plan for the Courts," by Richard H. Phillips. Connecticut Bar Journal, June, 1952, pp. 133-141.

"The Pretrial in Action," by Ralph W. Crary, "Pretrial in Iowa—Its Use and Disuse," an Editorial Survey. Iowa Law Review, Spring, 1952, pp. 341-344, 345-349.

"Making the Reciprocal Support Law Work," by Grace Clyde Seaman. State Government, June, 1952, pp. 132-135.

"Selected Bibliography on Reciprocal Enforcement of Support Act," compiled by Earl C. Borgeson. Los Angeles Bar Bulletin, June, 1952, pp. 327-328.

"The Organized Bar in North Carolina," by Edwin C. Bryson. The North Carolina Law Review, June, 1952, pp. 335-355.

"Public Opinion and the Bar," by Donald H. Dalton. The Journal of the Bar Assn. of the District of Columbia, August, 1952, pp. 353-355.

"A Ministry of Justice: A New Role for the Law School," by Roscoe Pound. A.B.A. Journal, August, 1952, pp. 637-640, 703-705.

"Educating Lawyers for Tomorrow's Practice," by F. Hodge O'Neal. Georgia Bar Journal, May, 1952, pp. 426-435.

"Trends in Administrative Law," by Sheldon D. Elliott. Nevada State Bar Journal, April, 1952, pp. 1-10.

"The Challenge of a Model Penal Code," by Herbert Wechsler. Harvard Law Review, May, 1952, pp. 1097-1133.

---

3. London: William Hodge and Company, Ltd., 1952. Cloth, pp. 327. $3.25. Obtainable from the British Book Centre, Inc., 122 East 55th Street, New York 22, N. Y.
4. Id. Cloth, pp. 248. $3.25.
5. Id. Cloth, pp. xxx, 420. $3.25.
6. Id. Cloth, pp. xvi, 354. $3.25.
7. Id. Cloth, pp. xlvii and 317. $3.25.
8. Id. Cloth, pp. xviii and 255. $4.25.
9. New York: Coward-McCann, Inc., 1951. Cloth, pp. 186. $2.50.
10. Published jointly by the American Civil Liberties Union, 170 Fifth Ave., New York 10, N. Y. and the National Association of Intergroup Relations Officials, Fellowship Commission Bldg., 260 S. 15th St., Philadelphia 2, Pa., 1950. Cloth, pp. x, 746. $4.00.
11. Cambridge: Harvard University Press, 1951. Paper, vol. 1, pp. 282. $3.00. Vol. 2, pp. 283-633 and 17. $4.00.
12. Charlottesville, Virginia: Virginia Law Weekly, 1949. Paper, pp. xiv, 109. $1.00.
13. Charlottesville, Virginia: Virginia Law Weekly, 1950. Paper, pp. vii, 135. $1.00.
14. Charlottesville, Virginia: Virginia Law Weekly, 1951. Paper, pp. 130. $1.25.
15. New York: Harper and Brothers, 1952. Cloth, pp. x, 276. $3.75.

"On the Lawyer's Place in Arbitration," by Casper W. Ooms. The Arbitration Journal, Vol. 7, No. 2, 1952, pp. 71-72.

"The Art and Technique of Examining Witnesses," by Joseph W. Burns. Michigan State Bar Journal, May, 1952, pp. 30-41, July, 1952, pp. 37-51.

"Cause of the Defenseless and Oppressed," by Leon R. Yankwich. Journal of the State Bar of California, May-June, 1952, pp. 259-265.

"Problems of a Prosecutor," by Miles F. McDonald. New York State Bar Bulletin, July, 1952, pp. 221-233.

"What the Bench Expects of the Bar," by Helmuth Arps. The Wisconsin Bar Bulletin, August, 1952, pp. 7-10, 40-44.

"One Year of Constitutional Law: 1951," by Enrique M. Fernando. Philippine Law Journal, April, 1952, pp. 197-242.

"How to Brief and Argue an Appeal," by Laurance M. Hyde. Journal of the Missouri Bar, December, 1951, pp. 241-243.

"The Public Obligations of the Organized Bar," by Howard L. Barkdull. Journal of the Missouri Bar, December, 1951, pp. 261-264.

"How to Be a Successful Lawyer," by M. J. Galvin. The BENCH and BAR of Minnesota. July, 1952, pp. 21-25.

"Advice to Trial Lawyers," by Jerry Giesler. The BENCH and BAR of Minnesota, August, 1952, pp. 21-32.

"Early Federal Judges," by Armistead M. Dobie. Federal Rules Decision, August, 1952, pp. 451-483.

"Courts and Doctors," by Edson L. Haines. The Canadian Bar Review, May, 1952, pp. 483-506.

"Judicial Logorrhea," by Jacob L. Bernstein. New Jersey Law Journal, August 28, 1952, pp. 1-2, 6.

"The Lawyer and the Marriage Counselor," by Richard K. Kerckhoff. Michigan State Bar Journal, May, 1952, pp. 26-29.

"Divorce: The Place of the Legal System in Dealing with Marital-Discord Cases," by Quintin Johnstone. Oregon Law Review, June, 1952, pp. 297-329.

New Members of the American Judicature Society

California
Los Angeles
ANTHONY B. GIORDANO
RICHARD LOEWE
San Francisco
ELMER F. WOLLENBERG

Connecticut
Hartford
HARLAN S. DON CARLOS

District of Columbia
Washington
WILLIAM T. FRYER

Illinois
Alton
MALCOLM D. DURR
RALPH T. SMITH
Annawan
WILLIAM F. KIRMAN
Aurora
EVERETT JORDAN
WALTER R. O'MALLEY
ROY J. SOLFISBURG
Barrington
R. D. STURTEVANT
Benton
EVERETT LEWIS
Berwyn
FRANK H. BICEK
ALEX S. NORBUT
J. HAROLD PILTZ
Bloomington
WILL F. COSTIGAN
EDWARD HESS, JR.
Brookfield
WILLIAM L. CREGAR
Bushnell
U. S. COLLINS, JR.
Carlinville
W. P. CUTHBERTSON
MICHAEL F. SEYFRIT
SAMUEL O. SMITH, JR.
Carrollton
CLEM SMITH
Casey
HENRI I. RIPSTRA
Centralia
HAROLD H. PENNOCK, JR.
JAMES B. WHAM
RUSSELL WILSON
Champaign
JOHN C. ERMENTROUT
Chicago
EDWARD R. ADAMS
MEARL G. ADAMS
THADDEUS V. ADESKO
THOMAS AMBERG
DAVID H. ARMSTRONG
JOHN E. BABB
R. EMMETT BAILEY
JOSEPH L. BAIME
JAMES E. S. BAKER
HENRY P. C. W. BARBER
MORTON JOHN BARNARD
SAMUEL J. BASKIN
HERBERT BECKER
S. ALEXANDER BELL
JAMES M. BEST
R. A. BIERDEMANN
SAMUEL B. BLANKSTEN
HERBERT L. BLOOM
JOSEPH H. BRAUN
ROBERT S. BREMER
HUBERT A. BRENNAN
ISIDORE BROWN
JOSEPH P. BURKE
MARION E. BURKS
ANNIS F. BUSH
CHARLES O. BUTLER
ROBERT E. CANTWELL, III
LEO J. CARLIN
L. J. CARROLL, JR.
WAYLAND B. CEDARQUIST
THOMAS F. CHADWICK
PETER J. CHAMALES
HELEN M. CIRESE
KENNETH H. CLAPPER
NORMAND A. COHEN
JOHN R. COLLIS
ALBERT A. CORN
EDMUND S. CUMMINGS, JR.
FRANCIS J. CUNEO
CASIMIR V. CWIKLINSKI
JOHN L. DAVIDSON, JR.
JAMES H. DEMING
HENRY X. DIETCH
THEODORE C. DILLER
QUERIN P. DORSCHEL
JULIUS L. ECHELES
NORMAN N. EIGER
ANDREW J. FARRELL
DAVID H. FELDMAN
ERNEST FELDON
RICHARD G. FINN
JOHN C. FITZGERALD
JOHN O'C. FITZGERALD
ROBERT L. FOOTE
DAVID J. FREED
ALLEN A. FREEMAN
LEE A. FREEMAN
ELMER W. FREYTAG
HAROLD E. FRIEDMAN
FRANCIS J. GARVEY
JONATHAN C. GIBSON
A. E. GOLAN
JOHN E. GOLDEN
NATHAN M. GOMBERG
CLEMENT P. GOSIEWSKI
EDWARD GRAFF
ALBERT GREEN
GERALD GREENWALD
EDWIN NORMAN GUNN
RAYMOND HARKRIDER
BEN A. HARPER
LAWRENCE J. HAYES
CHARLES M. HOLLEB
WILLIAM HENRY HUFF
MANLY K. HUNT
FRANK FLEETWOOD HYNES
JOHN D. IACONO
LOUIS JAFFE
ALBERT J. JENNINGS
ROBERT F. JERRICK
JULIUS JESMER
MARIE C. B. JOHNSON
W. CLYDE JONES
ALFRED KAMIN
THEOPHIL C. KAMMHOLZ
EDWARD E. KANE
EUGENE KART
SAMUEL KART
HERBERT H. KENNEDY
OTTO KERNER, JR.
NICHOLAS S. KIEFER
HENRY KREUGER
JOHN R. LAMB
STEPHEN LEE
LLOYD W. LEHMAN
MARVIN R. LENNARSON
JOHN F. LESCH
MARTIN G. LOEFF
ALICE M. MCCLANAHAN
HELEN F. MCGILLICUDDY
ARTHUR T. MCGIVERN
DON H. MCLUCAS
WILLIAM E. MCNAMARA
ANTON W. MAKAR
FRANK J. MAKOVSKY
A. BUTLER MANION
FRANK G. MARSHALL
FREDERICK MAYER
ANTHONY L. MICHEL
HARRY L. MITCHELL
SIDNEY MOGUL
J. S. MORRIS
MAURICE J. NATHANSON
JOHN W. NAVIN
GUSTAVE NEUBERG
FRANCIS J. NOSEK
CLIFFORD D. O'BRIEN
PAUL V. PALLASCH
FOSTER A. PARKER
LESLIE M. PARKER
BRUCE PARKHILL
MARVIN PECHTER
PIERCE J. PELOQUIN
ADAM J. PENAR
ALWIN F. PITZNER
OTTO C. PLACEK
GEORGE B. PLETSCH
HARRY D. PLOTNICK
SEYMOUR S. PRICE
HAROLD L. REEVE
FREDERICK B. RESAG
STANLEY RICH
JOHN F. ROLLHEISER
JOSEPH ROSENSTEIN
HUGO B. RUTILI
JOHN F. RYAN
MINIER SARGENT
CALVIN SAWYIER
LEONARD B. SAX
ANTHONY SCARIANO
WILLIAM H. SCHRADER
WILLIAM C. SCHWEMER
SAMUEL L. SELTZER
PHILIP A. SHAPIRO
J. GLENN SHEHEE
FLOYD F. SHIELDS
DAVID J. SHIPMAN
HAROLD A. SIEGAN
DAVID SILBERT
JEROME SIROTA
GEORGE J. SPATUZZA
CRANSTON SPRAY
SIGMUND STEFANOWICZ, II
JOHN L. STENTZ
KATHERINE E. STIMSON
FREDERICK E. STOUT
GEORGE W. STRUCKMANN
JOHN J. SULLIVAN
GORDON E. TAPPAN
EUCLID LOUIS TAYLOR
D. ROBERT THOMAS
THOMAS M. THOMAS
VERNON TITTLE
LAWRENCE C. TRAEGER
EDWARD A. TUROWSKI
DORAN J. VON UNSCHULD
EUGENE L. WACHOWSKI
CLARENCE P. WAGNER
LOUIS A. WATSON
CECIL W. WEISS
IRA E. WESTBROOK
HUBERT L. WILL
ROBERT C. WILLIAMS
CHARLES A. WILSON
MELVIN F. WINGERSKY
BERNARD W. WITNEY
JOHN T. ZURIS
Chicago Heights
JOSEPH J. MCGRANE
ROBERT A. MEIER, JR.
Cicero
STANLEY A. MACK
MILES WLODEK
Clinton
WILLIAM F. SMITH
Collinsville
JOSEPH R. BARTYLAK
JAMES O. MONROE, JR.
Danville
ROBERT J. BANKS, JR.
Decatur
SCOTT W. CLEAVE, JR
RAYMOND E. DENZ
A. R. IVENS
HILMER C. LANDHOLT
DeKalb
DENNIS J. COLLINS
HARRIS D. FISK
Dixon
GEORGE F. NICHOLS
Du Quoin
JUDSON E. HARRISS
East Alton
EDWARD D. GROSHONG
Edwardsville
DICK H. MUDGE, JR.
JAMES L. REED
Elgin
HARRY C. DANIELS
Eureka
DON B. PIOLETTI
Evanston
J. KENNETH BAIRD
R. J. WETTERLUND
Freeport
BERT P. SNOW

Geneva
ROBERT W. QUALEY
Greenville
FOSS D. MEYER
Harvard
CHARLES T. SMITH
Havana
RICHARD W. VELDE
Highland
FREDERICK L. HABBEGGER
Jacksonville
HARRY G. STORY
Joliet
JOHN C. LANG
JAMES HOWELL WRIGHT
Kankakee
ED. V. SALE
IRWIN C. TAYLOR
LaSalle
JAMES D. HURLEY
Lebanon
GEORGE B. GRIGGS
McLeansboro
CHARLES E. JONES
Madison
NICK D. VASILEFF
Marion
R. W. HARRIS
Maywood
JOHN T. HAUGHEY
Mendota
C. F. HENDRICK
CHRIST T. TROUPIS
Metropolis
CARL H. SMITH
Moline
ANDREW KOPP
BERNARD J. MORAN
JOHN C. SCHUETT
Monmouth
ROBERT J. CLENDENIN
ARTHUR P. PADELLA
Morton
RAMON H. MASON
Mt. Sterling
ALFRED L. PEZMAN
Mt. Vernon
GEORGE W. HOWARD, JR.
Moweaqua
WORTHY B. KRANZ
Murphysboro
PEYTON H. KUNCE
Oregon
GERALD W. FEARER
Ottawa
WILLIAM ZWANZIG
Pana
GUY L. SMITH
Paris
HARTMAN SCHWARTZ
Paxton
SIDNEY H. DILKS
Pekin
WILLIAM J. REARDON
Peoria
HOMER W. KELLER
ELMO E. KOOS
O. P. WESTERVELT
Plainfield
SAMUEL SAXON
Pontiac
ROBERT M. NIVEN
Princeton
HARVEY D. TRIMBLE
PERRY D. TRIMBLE
Quincy
CHARLES G. NAUERT
MARK A. PENICK
LILLIAN E. SCHLAGENHAUF
Rantoul
EVARD G. MATHIS
Riverside
CHARLES C. LIPSCHULTZ
FRANK F. REED, II
Rockford
WILLIAM H. BARRICK
L. W. MENZIMER
TIRRIE O. PRATHER
EDGAR H. WILSON
ANDREW F. WINTERCORN
Rock Island
WALTER J. KLOCKAU, JR.
WILLIAM B. SCHRODER
Round Lake
HAROLD J. DALE
Sailor Springs
O. L. BUNN
Salem
HARRY C. TEMPLE
Shelbyville
A. L. YANTIS
Springfield
WADE F. BAKER
ROBERT L. CONN, JR.
IVAN A. ELLIOTT
RICHARD R. GRUMMON
ROY GEIBE HILL
ROBERT J. MYERS
Sterling
JAMES C. RYAN
Streator
MAX G. GULO
Sycamore
CASSIUS POUST
Taylorville
CLARE E. FLESHER
Urbana
ORIS BARTH
CHARLES H. BOWMAN
WILLIAM E. BRITTON
RUBIN G. COHN
ALFRED F. CONRAD
RUSSELL N. SULLIVAN
PHILIP C. ZIMMERLY
Vandalia
WILL M. ALBERT
Watseka
HARRISON G. SHEARON
Waukegan
J. E. BAIRSTOW
CLAUDE R. CALLOWAY
ELLIS E. FUQUA
DONALD J. SWANSON
LLOYD A. VAN DEUSEN
ROBERT M. YAFFE
Waverly
FRED N. HERR
West Chicago
HAROLD J. SPELMAN
Wheaton
ROBERT M. HAENISCH
BYRON S. POWELL
JOHN S. WOODWARD
Wilmette
HOMER H. FLENTYE
Woodstock
DAVID R. JOSLYN
Yorkville
EUGENE L. CAMPBELL
Zion
EUGENE A. FRENCH

Indiana
Gary
CHARLES E. DAUGHERTY
Hammond
HAROLD C. HECTOR

Minnesota
Minneapolis
JOHN E. HYBE
St. Paul
JAMES C. OTIS

Mississippi
Long Beach
R. CAPEL BECKETT

New Jersey
Newark
VINCENT P. BIUNNO

North Dakota
Mandan
ALBERT R. SCANLAN

Texas
Houston
PERCY D. WILLIAMS, JR.

Wyoming
Evanston
CLARENCE W. COOK
Thermopolis
GERALD A. STACK